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WELSH STATUTORY INSTRUMENTS

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**2015 No. 1992 (W. 302)**

**ANIMALS, WALES**

**The Sheep and Goats (Records, Identification  
and Movement) (Wales) Order 2015**

*Made - - - - 8 December 2015*  
*Laid before the National*  
*Assembly for Wales - - 11 December 2015*  
*Coming into force in accordance with article 1(3)*

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 1, 8(1), and 83(2) of the Animal Health Act 1981<sup>(1)</sup>.

**PART 1**

**Introduction**

**Title, application and commencement**

1.—(1) The title of this Order is the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2015.

(2) This Order applies in relation to Wales.

(3) This Order comes into force on 1 January 2016 except for Part 8 which comes into force on 18 January 2016.

**Interpretation**

2.—(1) In this Order—

“animal” (*“anifail”*) means any animal of the ovine or caprine species;

“assembly centre” (*“canolfan grynhoi”*) means any holding 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;

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(1) 1981 c. 22. Functions under the Act are exercisable by the Welsh Ministers (in relation to Wales) by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044); and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

“central point of recording” (“*pwynt cofnodi canolog*”) means a holding approved by the Welsh Ministers under Section C.2 of the Annex to the Council Regulation for recording the identities of animals arriving at that holding;

“collection centre” (“*canolfan gasglu*”) means premises used for the intermediate reception of animals intended to be moved elsewhere (but does not include a market or other place used for the sale or trading of animals unless all the animals there are intended for immediate slaughter);

“Council Directive 92/102/EEC” (“*Cyfarwyddeb y Cyngor 92/102/EEC*”) means Council Directive 92/102/EEC on the identification and registration of animals<sup>(2)</sup>;

“the Council Regulation” (“*Rheoliad y Cyngor*”) 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<sup>(3)</sup> as amended from time to time;

“export” (“*allforio*”) means sending to another member State or a third country;

“flockmark” (“*nod diadell*”) means the number allocated by the Welsh Ministers in respect of a flock of sheep on a holding;

“holding” (“*daliad*”) has the meaning given in Article 2 of the Council Regulation;

“identification code” (“*cod adnabod*”) means the code set out on a means of identification as required under this Order or under the previous Orders;

“identification device” (“*dyfais adnabod*”) means an eartag, electronic eartag, pastern tag, electronic pastern tag or bolus;

“identification mark” (“*marc adnabod*”) means a method of identification applied in another member State, a means of identification or an older means of identification;

“illegible” (“*annarllenadwy*”) means, in relation to an electronic identification device, unreadable either electronically or visually;

“inspector” (“*arolygydd*”) means a person appointed to be an inspector for the purposes of this Order by the Welsh Ministers or a local authority;

“keeper” (“*ceidwad*”) has the meaning given in Article 2 of the Council Regulation;

“local authority” (“*awdurdod lleol*”) means in relation to an area the county council or county borough council for that area;

“market” (“*marchnad*”) means a market place, sale yard or any other premises or place to which animals are brought from any other place to be exposed for sale and includes any place, lairage or parking area adjoining a market and used in connection with it;

“market operator” (“*gweithredwr marchnad*”) 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” (“*modd adnabod*”) means an identification device or a tattoo;

“member State” (“*Aelod-wladwriaeth*”) means a member State of the European Union;

“method of identification” (“*dull adnabod*”) means an eartag, pastern tag or tattoo applied in another member State or third country;

“movement document” (“*dogfen symud*”) means the movement document required by Article 6 of the Council Regulation;

“the previous Orders” (“*y Gorchmynion blaenorol*”) means—

- (a) the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2009<sup>(4)</sup>;

(2) OJ No L 355, 5.12.92, p. 32 repealed by Directive 2008/71/EC. Older animals will still be identified in accordance with this Order.

(3) OJ No L 5, 9.1.04, p. 8.

(4) S.I. 2009/3364 (W. 296).

- (b) the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2008**(5)**;
- (c) the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006**(6)**;
- (d) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) (No. 2) Order 2002**(7)**;
- (e) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002**(8)**;
- (f) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Regulations 2002**(9)**;
- (g) the Sheep and Goats (Records, Identification and Movement) (England) Order 2009**(10)**;
- (h) the Sheep and Goats (Records, Identification and Movement) (England) Order 2007**(11)**;
- (i) the Sheep and Goats (Registration, Identification and Movement) (England) Order 2005**(12)**;
- (j) the Sheep and Goats Identification and Movement (Interim Measures) (England) (No. 2) Order 2002**(13)**;
- (k) the Sheep and Goats Identification and Movement (Interim Measures) (England) Order 2002**(14)**;
- (l) the Sheep and Goats Identification (England) Order 2000**(15)**;
- (m) the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2009**(16)**;
- (n) the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2005**(17)**;
- (o) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004**(18)**;
- (p) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 1997**(19)**;
- (q) the Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009**(20)**;
- (r) the Sheep and Goats (Identification and Traceability) (Scotland) Regulations 2006**(21)**;
- (s) the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002**(22)**;
- (t) the Sheep and Goats Identification (Scotland) Regulations 2000**(23)**;

“register” (“*cofrestr*”) means the register required by Article 5 of the Council Regulation;

“slaughterhouse operator” (“*gweithredwr lladd-dy*”) means a person carrying on the business of a slaughterhouse or the duly authorised representative of such a person;

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- (5) S.I. 2008/130 (W. 17).
  - (6) S.I. 2006/1036 (W. 106), amended by S.I. 2006/2926 (W. 261).
  - (7) 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).
  - (8) S.I. 2002/1357 (W. 133).
  - (9) S.I. 2002/274 (W. 30), amended by S.I. 2002/811 (W. 91).
  - (10) S.I. 2009/3219, amended by S.I. 2014/331.
  - (11) S.I. 2007/3493.
  - (12) S.I. 2005/3100, amended by S.I. 2006/2987.
  - (13) S.I. 2002/2153, amended by S.I. 2003/29, 2003/502 and 2003/1728.
  - (14) S.I. 2002/240, amended by S.I. 2002/764 and 2002/1349.
  - (15) S.I. 2000/2027, amended by S.I. 2001/281.
  - (16) >S.R. (NI) 2009/411.
  - (17) S.R. (NI) 2005/535, amended by S.R. (NI) 2006/508.
  - (18) S.R. (NI) 2004 No.491.
  - (19) S.R. (NI) 1997 No.173, amended by S.R. (NI) 1998 No.393.
  - (20) S.S.I. 2009/414.
  - (21) S.S.I. 2006/73, amended by S.S.I. 2006/594 and S.S.I. 2007/559.
  - (22) S.S.I. 2002/38, amended by S.S.I. 2002/221.
  - (23) S.S.I. 2000/418, amended by S.S.I. 2002/531 and S.S.I. 2002/39.

“unique number” (“*rhif unigryw*”) means a number that is unique to an animal in a flock or herd and contains no more than 6 digits.

(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 that Regulation.

### **Competent authority**

3. The Welsh Ministers are 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 at any time.

## **PART 2**

### **Identification devices**

#### **Approval of identification devices**

5. Identification devices used to comply with this Order must be of a model approved by the Welsh Ministers.

#### **Additional tags and identification devices with additional information**

6.—(1) At the request of a keeper, a manufacturer of identification devices may, subject to article 6(2), add supplementary information to an identification device or replacement device 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 but it must not contain the letters “UK” or bear a flockmark or herdmark, unless authorised by the Welsh Ministers.

#### **Colour of identification devices**

7.—(1) All electronic identification devices, other than replacement devices and boluses, must be yellow and no keeper may apply a yellow identification device that is not electronic.

(2) No person may attach a red identification device to any animal, other than a replacement identification device.

(3) Where a keeper re-identifies an animal and that animal is not on its holding of birth, or the keeper does not know the holding of birth, they must use a red replacement identification device but the requirement to use a red identification device does not apply to the use of boluses.

(4) Where an animal is identified by means of a bolus and a second identification device that second device must be black and a black identification device may only be used in combination with a bolus.

(5) The characters on all identification devices must be a different colour from the background of the device and must be clearly legible at all times when the device is attached to an animal.

(6) The fixing mechanism of a yellow, red or black eartag may be of any colour.

### **Destruction of identification devices**

8.—(1) The operator of a slaughterhouse, knackers yard, hunt kennels or rendering plant and any other person who finally disposes of an identified animal carcass must destroy in a secure manner which prevents reuse of all identification devices on animals they slaughter or otherwise dispose of.

(2) Secure destruction includes the rendering of any identification device.

## **PART 3**

### **Identification of animals**

#### **Identification of animals on or after 1 January 2016**

9.—(1) This article applies to—

- (a) animals born before 1 January 2016 that are not identified before that date and are on their holding of birth;
- (b) sheep born on or after 1 January 2016; and
- (c) goats born on or after 1 January 2016 whose keepers choose to identify them electronically.

(2) A keeper must comply with Article 4(1) (first paragraph), Article 4(2)(a) and (b) and Article 9(3) of the Council Regulation and this article unless the alternative identification method set out in article 10 is authorised.

(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) No animal may be identified by the use of a bolus in combination with a tattoo.

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

- (a) the letters “UK” or, on an electronic identification device, the numbers “826”; and
- (b) a 12 digit number specified by the Welsh Ministers;

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

#### **Identification of animals intended for slaughter**

10.—(1) For animals intended for slaughter before the age of 12 months and not intended for export, the identification method in Section A.7 of the Annex to the Council Regulation is authorised, and that identification method must be electronic in the case of sheep.

(2) The identification code for the purposes of Section A.7 of the Annex to the Council Regulation must be the letters “UK” followed by the flockmark or herdmark; no other number issued by the competent authority may be visibly recorded on this eartag.

(3) Where it is intended to slaughter after the age of 12 months or to export an animal identified under paragraph (1) that animal must be identified in accordance with article 9 and the original eartag removed.

(4) A keeper may re-identify under article 9 an animal identified under this article and need not slaughter that animal before the age of 12 months only if—

- (a) the animal is on its holding of birth; or

(b) the keeper has a complete record of all the animal's movements.

(5) Where an animal is re-identified under paragraph (4)(b) the keeper must cross-reference the old and new identification codes in the holding register.

(6) A keeper may re-identify a goat identified under paragraph (1) by using an eartag of the kind described in paragraph (2) which includes an electronic identifier.

#### **Animals born and identified before 1 January 2016**

11. Part 3 of the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2009, in the form in which it existed immediately before the coming into force of this Order, continues to apply to animals born and identified before 1 January 2016, save that sheep intended for slaughter before the age of 12 months and not intended for export and identified before 1 January 2016 using the method in Section A.7 of the Annex to the Council Regulation may continue to be identified in accordance with that method until 30 June 2017. The animal must then be identified in accordance with article 9 and the original non-electronic eartag removed.

## **PART 4**

### **Removal or replacement of means of identification of animals identified under Part 3**

#### **Application of Part 4**

12. This Part applies to all animals identified under Part 3.

#### **Removal or replacement of means of identification**

13.—(1) No person may contravene or fail to comply with Article 4(6) (first paragraph) of the Council Regulation.

(2) But a keeper must replace a lost or illegible means of identification, in accordance with articles 14 or 15 as the case may require, as soon as possible after the original means of identification is discovered to be lost or illegible, but in any event—

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

(3) Where an identification mark is replaced with an identification mark bearing a different identification code and the old identification code is known the keeper must cross-reference the old and new identification codes in the holding register.

(4) It is a defence for any person charged with an offence of contravening or failing to comply with paragraphs (1) or (2) to prove that—

- (a) the 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 for animals identified according to article 9 or article 11**

14.—(1) Where an animal identified according to article 9 or article 11 loses one means of identification, or that means of identification becomes illegible, the means of identification is replaced in accordance with this article if it is replaced with one bearing the same 12 digit number

or the remaining identification device is removed and the animal is re-identified according to article 9 or article 11.

(2) Where an animal identified according to article 9 or article 11 loses both means of identification, or both means of identification become illegible, it is re-identified according to this article if it is re-identified according to article 9 or article 11.

#### **Replacement of lost or illegible means of identification for animals identified according to article 10 or article 11**

**15.**—(1) Where an animal identified according to article 10 or article 11 loses its eartag or that eartag becomes illegible and is on its holding of birth it is re-identified according to this article if the eartag is replaced with an eartag bearing the same flockmark or herdmark.

(2) Where an animal identified according to article 10 or article 11 loses its eartag or that eartag becomes illegible and is not on its holding of birth, or if the keeper does not know if it is on its holding of birth, it is re-identified according to this article if the eartag is replaced with a red eartag bearing the flockmark or herdmark of the holding the animal is now on.

## **PART 5**

### **Identification of goats born on or after 1 January 2016**

#### **Identification of goats**

**16.**—(1) Where a goat is on its holding of birth and has not been identified before 1 January 2016 the keeper must, if they have not identified it in accordance with Part 3, identify it within the time limits specified in article 9(3), with either—

- (a) two eartags;
- (b) an eartag and a pastern tag; or
- (c) an eartag and a tattoo.

(2) The identification code on a means of identification must be—

- (a) the letters “UK”; and
- (b) a 12 digit number in accordance with a numbering scheme prescribed by the Welsh Ministers;

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

#### **Re-identification of goats**

**17.** Goats identified in accordance with article 16 may be re-identified in accordance with article 9.

## PART 6

### Removal or replacement of identification marks on animals identified before 1 January 2016

#### Application of Part 6

**18.** This Part applies to all animals identified before 1 January 2016 and to goats identified in accordance with article 16.

#### Removal or replacement of identification marks

**19.**—(1) No person may contravene or fail to comply with Article 4(6) (first paragraph) of the Council Regulation.

(2) But a keeper must replace a lost or illegible identification mark, in accordance with article 20, article 21 or article 22 (whichever article is applicable) as soon as possible after the original identification mark is discovered to be lost or illegible, but in any event—

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

(3) Where an identification mark is replaced with an identification mark bearing a different identification code and the animal is not on its holding of birth and the old identification code is known the keeper must cross-reference the old and new identification codes in the holding register.

(4) It is a defence for any person charged with an offence of contravening or failing to comply with paragraphs (1) or (2) to prove that—

- (a) the identification mark 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.

(5) A keeper may at any time remove identification marks and re-identify the animal in accordance with article 9.

#### Replacement of a single identification mark on a double-tagged animal

**20.** An animal is re-identified according to this article if the missing or illegible means of identification is replaced with—

- (a) means of identification bearing the same unique number as the lost or illegible means of identification;
- (b) two non-electronic means of identification, both bearing the same number; or
- (c) the means of identification specified in Article 4(1) (first paragraph), Article 4(2)(a) and (b) and Article 9(3) of the Council Regulation.

#### Replacement of an identification mark on a single tagged animal

**21.**—(1) This article applies where the means of identification or older means of identification on a single-identified animal is lost or illegible.

(2) In this article “single-identified animal” (“*anifail sydd â ffurf adnabod sengl*”) means an animal identified with only one older means of identification containing a unique number applied under the previous Orders.

(3) If a keeper is replacing a lost or illegible tag on an animal born after 9 July 2005 a new or replacement means of identification must be an identification tag and not a tattoo.



(4) If the animal is on its holding of birth the keeper must replace the missing or illegible means of identification with a—

- (a) means of identification bearing the same unique number as the lost or illegible means of identification;
- (b) a new means of identification;
- (c) two non-electronic means of identification, both bearing the same number; or
- (d) the means of identification specified in Article 4(1) (first paragraph), Article 4(2)(a) and (b) and Article 9(3) of the Council Regulation.

(5) If the animal is not on its holding of birth, the keeper may replace the missing or illegible means of identification with—

- (a) means of identification bearing the same unique number as the lost or illegible means of identification;
- (b) a replacement means of identification;
- (c) two non-electronic means of identification, both bearing the same number; or
- (d) the means of identification specified in Article 4(1) (first paragraph), Article 4(2)(a) and (b) and Article 9(3) of the Council Regulation.

(6) If an animal is re-identified by the means of identification referred to in paragraph (5)(b) to (d) the keeper must record information about the replacement including the full identification code on the replacement and record the letters or flockmark or herdmark on the original means of identification, if known, within the holding register.

**Re-identification of animals identified under the previous Orders with a means of identification that does not contain a unique number**

**22.—**(1) This article applies to animals identified under the previous Orders with a means of identification that does not contain a unique number.

(2) If—

- (a) the means of identification becomes lost or illegible; or
- (b) the animal is moved from a holding;

the animal must be re-identified in accordance with paragraphs (3) or (4).

(3) If the animal is on its holding of birth the keeper must re-identify the animal with—

- (a) a new means of identification;
- (b) two non-electronic means of identification both bearing the same number; or
- (c) the means of identification specified in Article 4(1)(first paragraph), Article 4(2)(a) and (b) and Article 9(3) of the Council Regulation.

(4) If the animal is not on its holding of birth the keeper must re-identify the animal with—

- (a) a new means of identification;
- (b) two non-electronic means of identification both bearing the same number; or
- (c) the means of identification specified in Article 4(1) (first paragraph), Article 4(2)(a) and (b) and Article 9(3) of the Council Regulation.

(5) If an animal is re-identified by the means of identification referred to in paragraph (4) the keeper must record information about the replacement including the full identification code on the replacement and record the letters or flockmark or herdmark on the original means of identification, if known, within the holding register.

(6) If an animal is re-identified in accordance with paragraphs (3) or (4) the identification code on a new means of identification must be—

- (a) the letters “UK”; and
- (b) a 12 digit number in accordance with a numbering scheme prescribed by the Welsh Ministers.

## PART 7

### Holding registers

#### **Holding register**

**23.**—(1) It is an offence for a keeper, other than a transporter, to fail to comply with Article 5(1), (3) and (5) of the Council Regulation.

(2) When an animal is moved onto or from its holding, the keeper must record—

- (a) the information required by Section B of the Annex to the Council Regulation; and
- (b) the number of animals moved.

(3) The information referred to in paragraph (2) in respect of animals moving onto a holding must be recorded by the keeper by entering it in the register but the individual identification codes of each animal may, alternatively, be recorded by retaining a duplicate or certified copy of the movement documents in date order and cross-referencing them to the relevant movement records in the holding register.

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

- (a) entering it in the register; or
- (b) retaining a duplicate or certified copy of the movement document and keeping such duplicate or copy with the register in chronological order with any other movement documents retained.

(5) It is an offence to keep the register in a form other than that approved by the Welsh Ministers.

(6) The keeper must complete the register—

- (a) in the case of the movement of an animal onto or from a holding other than via a central point of recording, within 36 hours of the movement;
- (b) in the case of a movement of an animal onto or from a holding via a central point of recording, within 48 hours of the movement;
- (c) in the case of the replacement of an identification mark, within 36 hours of the replacement;
- (d) in the case of the identification code of an animal, the year of its birth, the date of its identification, and if known its breed and genotype, within 36 hours of its identification;
- (e) in the case of the death of an animal, within 36 hours of the discovery of its death.

(7) Where a keeper moves their 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 time to the Welsh Ministers upon request.

(8) 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 three years from the last day when an animal referred to on the document dies or leaves the holding.

(9) When an animal is re-identified the keeper must record in the register the date of re-identification.

## PART 8

### Movement documents

#### Central database and movement document

**24.**—(1) The Welsh Ministers may appoint a person to operate a computerised central database to record animal movements capable of accepting notification of movements electronically.

(2) In this Part “notify” (“*hysbysu*”) means notify to the operator of the central database.

(3) Operators of slaughterhouses, markets, collection centres and assembly centres are approved as central points of recording by the Welsh Ministers and must notify movements of animals onto and off their premises electronically.

(4) Other keepers may notify movements of animals onto and off their premises electronically.

(5) When a keeper notifies a movement of an animal off their holding electronically they must enter the details required in Section C of the Annex to the Council Regulation, other than the keeper’s signature, onto the central database within 3 days of the movement.

(6) When the movement of animals identified in accordance with article 10 is notified electronically by the operator of a central point of recording the operator must additionally—

- (a) enter onto the central database all individual identifiers for those animals; and
- (b) include on the movement document the total number of animals identified with each herdmark or flockmark.

(7) Subject to paragraphs (8), (9) and (10) when a keeper moves an animal off their holding they must complete a movement document in accordance with Section C of the Annex to the Council Regulation and in a form approved by the Welsh Ministers and must provide the transporter with a copy.

(8) When a keeper notifies the movement of an animal off their holding electronically they need not sign the movement document.

(9) When a keeper notifies a movement off their holding electronically and the transporter is able to print off in transit a document in relation to all the animals transported giving—

- (a) all the information required by paragraph (5); and
- (b) in relation to the animals moved from markets, collection centres and assembly centres and identified in accordance with article 10, the information referred to in paragraph (6)(b),

the keeper need not complete a movement document.

(10) The identity of an animal may be recorded at the holding of destination if—

- (a) the holding of destination is a central point of recording; and
- (b) the animal is transported in accordance with Section C.2(a) of the Annex to the Council Regulation.

(11) Where an operator of a central point of recording has recorded the identity of an animal in accordance with paragraph (10), the operator must notify the keeper of the holding from which the animal was moved of the identity of the animal in accordance with Section C.2(c) of the Annex to the Council Regulation.

(12) A keeper onto whose holding an animal is moved must keep a copy of the movement document provided by the transporter of that animal for three years unless—

- (a) the movement off the previous holding and the movement onto the keeper's holding were notified electronically, or
- (b) the keeper scans the movement document and retains an electronic copy for three years, and the keeper must keep any copies in chronological order.

### **Supply of movement document**

**25.**—(1) When an animal is moved onto a holding the transporter of that animal must give to the keeper at that holding—

- (a) a copy of the movement document, or
- (b) if, pursuant to article 24(9) there is no movement document, a printout of the information referred to in that article.

(2) An operator of a central point of recording must notify the central database operator of movements of animals onto and off their premises electronically within 3 days of the movement.

(3) Where a holding of destination is not a central point of recording the keeper on the holding of destination must notify the central database operator of the receipt of those animals, by any means permitted by the Welsh Ministers, within 3 days of receiving the animals.

(4) In the case of an animal moved from a holding to a port and intended for consignment outside Great Britain, the keeper at that holding must notify the central database operator of that movement, by any means permitted by the Welsh Ministers, within 3 days of moving the animal.

## **PART 9**

### **Central database**

#### **Inventory of animals**

**26.** For the purpose of Article 7(2) of the Council Regulation, a keeper who keeps animals permanently must make an annual inventory of the number of animals on that keeper's holding within 30 days of a date specified by the Welsh Ministers.

**27.** It is an offence for a keeper to fail to comply with article 26.

#### **Supply of information**

**28.**—(1) On receiving notification under Article 8(2) of the Council Regulation that a person has become the keeper on a holding, the Welsh Ministers 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 Welsh Ministers must allocate a flockmark or herdmark only where the Welsh Ministers deem it appropriate to do so.

(3) The keeper must notify the Welsh Ministers in writing of any change in the information specified in Article 8(2)(a) of the Council Regulation within 30 days of such change.

(4) Within 30 days of becoming a keeper, that person must give written notification of that change to the Welsh Ministers.

(5) It is an offence for a keeper to fail to comply with paragraphs (3) or (4).

## PART 10

### Markets

#### **Markets**

**29.**—(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 they buy 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 they also sell 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 this Order; and

(b) it is accompanied by a movement document which is completed in accordance with Part 8.

#### **Replacement of identification marks lost at markets**

**30.**—(1) The requirements in this Order to replace an identification mark do not apply to a market operator or slaughterhouse operator.

(2) If an identification mark 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 this Order.

#### **Contingency planning for power and equipment failures**

**31.**—(1) Local authorities may exempt operators of central points of recording from the need to record electronically—

(a) an animal's unique number on a movement document;

(b) an animal's unique number in a holding register; or

(c) the numbers of animals in any batch bearing a particular flockmark or herdmark,

where a contingency plan has been agreed between the local authority and the operator of the central point of recording.

(2) A local authority may withdraw any such exemption if it is no longer satisfied with the operation or terms of the contingency plan.

(3) A contingency plan agreed under paragraph (1) must set out the conditions which must be met by the operator of the central point of recording and the circumstances in which, provided those conditions are met, the exemptions in paragraph (1) will apply. Those conditions must include a requirement for the operator of the central point of recording to notify the central database operator of the movements onto and off their premises, by any means permitted by the Welsh Ministers, within 3 days of the movement of the animals.

(4) The operator of a central point of recording must seek the prior consent of the local authority on every occasion when they wish to apply the exemptions in paragraph (1) and must cease to accept animals without recording the information referred to in paragraph (1) if that consent is refused.

(5) When animals arrive at a central point of recording which is applying the exemptions in paragraph (1) with the prior consent of the local authority, the operator of the central point of recording must—

- (a) notify the central database operator of the identity of those animals recorded on the movement document accompanying them within 3 days of receiving the animals; or
- (b) if the identity of those animals is not recorded on a movement document accompanying them in accordance with article 24(9) the operator of the central point of recording must provide the keeper of the holding from which the animals have arrived with written confirmation that the failure to provide the identities of the individual animals to the keeper has been approved by the local authority.

## PART 11

### Animals brought into Wales

#### **Receipt of animals from another member State**

**32.**—(1) 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 9 July 2005; or
- (b) Council Directive [92/102/EEC](#), in the case of an animal born on or before 9 July 2005.

(2) It is an offence to remove or replace the original method of identification of an animal originating in another member State in contravention of Article 4(5) of the Council Regulation.

#### **Receipt of animals from England, Scotland, Northern Ireland or the Crown Dependencies**

**33.** No person may receive an animal from England, Scotland, Northern Ireland, the Channel Islands or the Isle of Man unless it is identified and accompanied by a movement document in accordance with—

- (a) in the case of an animal born after 9 July 2005, the Council Regulation, including any derogation exercised under the Council Regulation; or
- (b) in the case of an animal from England, Scotland or Northern Ireland born on or before 9 July 2005, the previous Orders and any additional requirements imposed in legislation enforcing the Council Regulation in relation to those animals; or
- (c) in the case of animals from the Crown Dependencies born on or before 9 July 2005, Council Directive [92/102/EEC](#).

#### **Identification of animals imported from third countries**

**34.**—(1) It is an offence for a keeper to fail to 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) and Article 9(3) of the Council Regulation and the identification code for the purposes of Section A.2 of the Annex is—

- (a) the letters “UK”; and
- (b) a 12 digit number in accordance with a numbering scheme prescribed by the Welsh Ministers.

(4) Where an animal is imported from a third country and re-identified according to this article, the keeper must record information about the addition of the new means identification in the register

together with the full identification code on the new means of identification and the full code on the method of identification applied in the third country.

#### **Loss of methods of identification applied in a third country**

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

## **PART 12**

### **Miscellaneous**

#### **Identification and recording of animals for export**

**36.**—(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 1 January 2016 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**

**37.** 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**

**38.**—(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 a representative of the European Commission acting for the purposes of Article 12 of the Council Regulation, or 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.

### **Power to prohibit movement of animals**

**39.**—(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 the inspector 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 goats onto or from the holding specified in the notice, if the inspector 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.

### **False information**

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

### **Alteration of identification marks**

**41.** 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 England, Scotland, or Northern Ireland;
- (c) 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.

### **Offences by bodies corporate**

**42.**—(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 the member's functions of management as if the member were a director of the body.

(3) "Officer" ("*swyddog*"), 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**

**43.**—(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(24) and Schedule 3 to the Magistrates' Courts Act 1980(25) apply in relation to the partnership or association 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.

(5) For the purposes of paragraph (4), "partner" ("*partner*") includes a person purporting to act as a partner.

(6) 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.

(7) For the purposes of paragraph (6), "officer" ("*swyddog*") means an officer of the association or a member of its governing body or a person purporting to act in such a capacity.

## **Enforcement**

44.—(1) This Order is enforced by the local authority.

(2) The Welsh Ministers 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 Welsh Ministers and not by the local authority.

## **Revocation**

45. The Sheep and Goats (Records, Identification and Movement) (Wales) Order 2009(26) is revoked.

*Rebecca Evans*  
Deputy Minister for Farming and Food, under  
the authority of the Minister for Natural  
Resources, one of the Welsh Ministers

8 December 2015

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(24) 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.

(25) 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; 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).

(26) S.I. 2009/3364 (W. 296).

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order revokes and replaces the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2009 (S.I. 2009/3364 (W. 296)) (“the 2009 Order”). It makes provision for the administration and enforcement in Wales 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).

Part 2 provides that identification devices used to comply with this Order must be of a type approved by the Welsh Ministers and sets out some general provisions in relation to the application of identification devices.

Part 3 provides for the means of identification of sheep and goats, including the requirement that a sheep intended for slaughter before the age of 12 months must be identified with an electronic eartag. If sheep intended for slaughter before the age of 12 months were identified before 1 January 2016 with a non-electronic eartag then this need not be replaced with an electronic eartag until 30 June 2017.

Part 4 makes provision for the removal or replacement of identification marks on animals identified under Part 3.

Part 5 makes provision for the identification of goats not identified under Part 3.

Part 6 makes provision for the replacement of identification marks on all animals identified before 1 January 2016 and on goats identified in accordance with Part 5.

Part 7 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.

Part 8 requires operators of central points of recording to report movements of animals electronically and allows other keepers to do so.

Part 9 sets out the requirement for keepers to keep an annual inventory and supply information to the Welsh Ministers about their holding and the time limits for doing so.

Part 10 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. It exempts markets and slaughterhouses from the need to re-identify animals with missing identification marks, and provides for arrangements to be agreed to allow central points of recording not to record electronically in the event of a power or equipment failure.

Part 11 makes provision for the identification requirements of animals brought into Wales from other member States, other parts of the United Kingdom, the Crown Dependencies and from third countries.

Part 12 contains miscellaneous and enforcement provisions including the requirements relating to animals which are to be exported. Article 37 sets out a defence to the failure to identify an animal correctly in the case of emergency veterinary treatment. Article 38 confers various powers on inspectors and article 39 enables inspectors to prohibit the movement of a flock of sheep or a herd of goats to or from a holding. Articles 40 and 41 relate to the provision of false or misleading information and the alteration of identification marks. Article 42 relates to offences committed by bodies corporate and article 43 relates to offences committed by partnerships and unincorporated associations. The Order is enforced by the local authority or the Welsh Ministers if so directed (article 44).

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.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ.