
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 279

**EUROPEAN COMMUNITIES
ANIMALS**

**Cattle Identification (No. 2)
Regulations (Northern Ireland) 1998**

Made - - - - *10th August 1998*

Coming into operation *1st October 1998*

The Department of Agriculture, being a Department 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 section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Part I

Introduction

Citation and commencement

1. These Regulations may be cited as the Cattle Identification (No. 2) Regulations (Northern Ireland) 1998 and shall come into operation on 1st October 1998.

Interpretation

2.—(1) In these Regulations—

“the 1964 Order” means the Tuberculosis Control Order (Northern Ireland) 1964⁽³⁾;

“approved eartag” means an eartag which is approved by the Department for the purposes of Article 4.1 of the Council Regulation and which complies with that Article, with Article 1.1 and 1.2 of the Commission Regulation and with the requirements of regulations 3(3) and 4;

(1) S.I. 1972/1811

(2) 1972 c. 68

(3) S. R. & O. 1964 No. 31 as amended by S.R. 1981 No. 348, S.R. 1986 No. 48, S.R. 1994 No. 216, S.R. 1996 No. 9 and S.R. 1996 No. 240

“the Council Regulation” means Council Regulation 820/97 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products(4);

“the Commission Regulation” means Commission Regulation (EC) No. 2629/97(5); and

“member State” means any member State of the European Community other than the United Kingdom.

(2) In these Regulations, other expressions which are also used in the Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998(6) shall have the same meaning as in those Regulations.

(3) The Interpretation Act (Northern Ireland) 1954(7) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(4) Any approval, licence or notice given to any person under these Regulations, the Council Regulation or the Commission Regulation—

- (a) shall be in writing
- (b) may be made subject to such conditions as may be specified therein; and
- (c) may be amended, suspended or revoked by notice in writing given to that person at any time.

Part II

Eartags

Enforcement of Article 4 of the Council Regulation

3.—(1) The Department—

- (a) shall be the competent authority for the purposes of approving eartags for the purposes of Article 4.1 of the Council Regulation and for the purposes of giving permission for their replacement under Article 4.5 of that Regulation; and
- (b) on application from the keeper of a herd, shall allocate in relation to such eartags for animals in that herd the unique identification codes necessary to ensure that the eartags comply with Article 1.1 and 1.2 of the Commission Regulation.

(2) The person responsible for identifying an animal in accordance with Article 4.1 of the Council Regulation shall be its keeper.

(3) Subject to paragraph (4), for the purposes of Article 4.2 of the Council Regulation, the periods within which the keeper of an animal born after the coming into operation of these Regulations shall attach approved eartags to the animal shall—

- (a) in the case of an animal born in a dairy herd, be within 36 hours of the birth of the animal;
- (b) in the case of any other animal, be—
 - (i) within 30 days of its birth, if it was born before 1st January 2000, or
 - (ii) within 20 days of its birth if it was born on or after 1st January 2000,and in any case before the animal leaves the holding on which it was born.

(4) O.J. No. L117, 7.5.97, p. 1

(5) O.J. No. L354, 30.12.97, p. 19

(6) S.R. 1998 No. 27

(7) 1954 c. 33 (N.I.)

(4) For the purposes of Article 4.2 of the Council Regulation, the periods within which the keeper of an animal born after 1st January 1998 but before the coming into operation of these Regulations shall attach approved eartags to the animal shall be—

- (a) in the case of an animal born in a dairy herd, be within 20 days of the date of coming into operation of these Regulations; and
- (b) in the case of any other animal, be within 30 days of that date,

and, in any event, before the animal leaves the holding on which it was kept on the date of coming into operation of these Regulations.

(5) Any person who, in relation to any animal, fails to comply with Article 4.1 of the Council Regulation within the period specified in respect of that animal by paragraph (3) or (4) shall be guilty of an offence.

Form of eartags

4.—(1) A person shall not attach eartags to any animal unless they are approved.

(2) In accordance with Article 1.1 and 1.2 of the Commission Regulation, both of the approved eartags attached to any animal shall be inscribed with the logo specified in the Schedule, the letters “UK”, the unique number allocated in relation to the animal by the Department for the purpose and, in the case of a two-piece eartag, both pieces of the eartag shall bear the logo.

(3) The power granted by Article 4 of the Commission Regulation (a power to choose other material or model for the second eartag) may be exercised in relation to any animal in Northern Ireland by the Department.

Movement from a holding

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

(2) An animal which is at a market or a slaughterhouse without eartags attached to it in accordance with Article 4.1 of the Council Regulation or, where appropriate, eartags attached to it in accordance with the 1964 Order may be moved from that market or slaughterhouse under a licence granted to the keeper by the Department to a holding specified in the licence.

Replacement eartags

6.—(1) Subject to paragraph (2), any person who removes or causes or permits to be removed from any animal—

- (a) an approved eartag in contravention of Article 4.4 or 4.5 of the Council Regulation; or
- (b) an eartag attached under the 1964 Order,

shall be guilty of an offence.

(2) Nothing in paragraph (1) shall prevent a person from removing an eartag from an animal under and in accordance with this regulation or with regulation 12(3) or (5).

(3) If the keeper of an animal (other than the operator of a slaughterhouse) discovers that the characters on an approved eartag attached to that animal have become illegible or that eartag has been lost, he shall, within 28 days of the discovery and in any event before the animal leaves his holding, replace it with an approved eartag of the same type and bearing the same number.

(4) If the operator of a slaughterhouse discovers that an animal, which should have been identified by eartags in accordance with Article 4.1 of the Council Regulation or the 1964 Order, is not

so identified, he shall notify the Department of that fact and shall ensure that the animal is not slaughtered for human consumption unless—

- (a) the eartag or eartags are replaced; or
- (b) under a licence granted by the Department.

(5) If the keeper of an animal discovers that the characters on an eartag attached to it in accordance with the provisions of the 1964 Order have become illegible or that eartag has been lost, he shall, within 28 days of the discovery and in any event before the animal leaves his holding, attach approved eartags to that animal.

(6) If an animal brought into Northern Ireland from a member State, Great Britain, the Isle of Man or the Channel Islands loses its eartag or if the characters on that eartag have become illegible the keeper shall, within 28 days of the discovery, attach to that animal either—

- (a) a replacement tag from the competent authority for the place where the animal was originally ear-tagged, bearing the same identification number as the original tag, or
- (b) two new approved eartags.

(7) Any person who contravenes paragraphs (3) to (6) shall be guilty of an offence.

Alteration of eartags

7. A person shall not alter, obliterate or deface or cause or permit to be altered, obliterated or defaced an eartag attached to an animal under Article 4.1 of the Council Regulation or under the provisions of the 1964 Order, and any person who does so shall be guilty of an offence.

Intra-Community trade

8.—(1) A person shall not consign any animal for intra-Community trade unless—

- (a) it is identified by eartags in accordance with Article 4.1 of the Council Regulation: or
- (b) in the case of an animal which falls within one of the derogations set out in that paragraph, it is identified by an eartag in accordance with the 1964 Order.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence.

Imports from third countries

9.—(1) Any person who, in contravention of Article 4.3 of the Council Regulation, fails to attach 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)(**8**) shall be guilty of an offence.

(2) It shall be a defence for any person charged with an offence under paragraph (1) to prove that—

- (a) when the animal to which the offence relates was imported, the holding of destination was a slaughterhouse, and
- (b) the animal was slaughtered within 20 days of undergoing the checks referred to in paragraph (1).

(8) O.J. No. L268, 24.9.91, p. 56 as last amended by the Act of Accession of Austria, Finland and Sweden

Transitional provisions relating to eartags

10.—(1) In accordance with Article 1.1 and 1.2 of the Commission Regulation, a keeper may continue to identify an animal using eartags which comply with the requirements of the 1964 Order until 31st December 1998 provided that he does so in accordance with this regulation.

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

- (a) it shall have an eartag authorised by the Department attached to each ear;
- (b) both eartags shall be marked with the same identification number;
- (c) at least one of the eartags shall be an approved eartag; and
- (d) eartags used in accordance with this regulation must have been approved by the Department at the time of purchase.

(3) In these Regulations any reference to an eartag attached to any animal in accordance with the 1964 Order includes an eartag authorised for use under this regulation.

(4) Any person who purports to identify an animal for the purposes of paragraph (1) without complying with all the requirements of paragraph (2) shall be guilty of an offence.

Market operators

11.—(1) The operator of a market shall ensure that cattle are not accepted into the market for sale, or are sold at a market, unless they are identified with eartags in accordance with Article 4.1 of the Council Regulation or the 1964 Order or are accompanied by a licence granted under regulation 5(2).

(2) If the operator of any market accepts into the market any cattle which fail to meet the requirements of paragraph (1), he shall be guilty of an offence.

Slaughterhouses

12.—(1) Subject to paragraph (2), the operator of a slaughterhouse shall not accept any animal into that slaughterhouse, or slaughter it, unless—

- (a) it is identified with eartags in accordance with Article 4.1 of the Council Regulation or, where appropriate, the 1964 Order; or
- (b) he does so in accordance with a licence granted by the Department.

(2) If an animal is slaughtered in contravention of paragraph (1), the operator of the slaughterhouse shall dispose of the carcase of the animal as an animal by-product in accordance with the Animal By-Products Regulations (Northern Ireland) 1993⁽⁹⁾ unless the Department, on being satisfied as to the identity of the animal concerned, certifies the carcase as fit for human consumption.

(3) The operator of a slaughterhouse shall—

- (a) remove the eartags from each animal at the slaughterhouse; and
- (b) keep the eartags in a secure place and surrender them to the Department on request.

(4) It shall be the duty of the operator of a slaughterhouse to present to a veterinary inspector on request any animal which has been admitted to the slaughterhouse and afford to him all reasonable facilities for the purpose of inspecting it and, if necessary, removing any eartag from it.

(5) The Department may authorise in writing any person operating a knackery, hide store or hunt kennel to remove any eartag from any carcase in his possession, and upon being so authorised that person shall—

- (a) remove the eartags from any such carcase before it leaves the premises; and
- (b) keep the eartags in a secure place and surrender them to the Department on request.

⁽⁹⁾ S.R.1993 No. 192 as amended by S.R. 1998 No. 108

(6) The person operating a slaughterhouse shall mark or cause to have marked each animal or carcase admitted to those premises, and after an animal is slaughtered, the carcase of that animal, in a manner considered by the Department to be sufficient to identify at any time the animal or carcase from which the eartag has been removed in accordance with paragraph (3).

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

Change of eartag number

13.—(1) Where—

- (a) an animal born on or after 1st July 1996 and before the coming into operation of these Regulations is to have an eartag attached to it in place of a previous eartag with a different number; or
- (b) an animal from a member State, Great Britain, the Isle of Man or the Channel Islands is to have a new or replacement eartag attached to it in accordance with regulation 6(6)(a) or (b),

the keeper shall, before so doing, either—

- (i) apply for and obtain the written authorisation of the Department therefor; or
- (ii) in the case of a replacement tag, notify the Department of his application to obtain a replacement tag bearing the same identification number as the original eartag.

(2) Any person who fails to comply with paragraph (1) shall be guilty of an offence.

Part III

General

Powers of inspectors

14.—(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 for any purpose to which these Regulations apply) for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations.

(2) An inspector exercising powers under paragraph (1) shall have powers to carry out all checks and examinations necessary for the enforcement of the Council Regulation, and in particular may—

- (a) collect, pen and inspect any cattle, and may by notice served on the keeper 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 compliance by any person with 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; and

- (f) take with him a representative of the European Commission acting for the purposes of the Council Regulation or any other person he considers necessary for the enforcement of these Regulations.

Powers of an officer of the Department

15.—(1) In accordance with the second indent of Article 21 of the Council Regulation and the first indent of Article 1 of Commission Regulation (EC) No. 494/98(10), an officer of the Department 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 either Regulation.

(2) An officer of the Department may seize an animal in order to carry out the requirements laid down in the second indent of Article 1 of Commission Regulation (EC) No. 494/98(10).

(3) Any person who fails to comply with a notice given to him under paragraph (1) shall be guilty of an offence.

Obstruction

16.—(1) A person shall not—

- (a) intentionally obstruct any person acting in the execution of these Regulations or Council Regulation 494/98;
- (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 Council Regulation 494/98; or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading,

and any person who contravenes this regulation shall be guilty of an offence.

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

Penalties

17.—(1) A person guilty of an offence under regulation 16(1)(a) or (b) 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 for a term 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.

Revocation

18.—(1) Articles 14, 14A, 14B, 15, 16 and 17 of the 1964 Order(11) are hereby revoked.

(2) Regulations 3(1)(a) and (b) of the Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998(12) are hereby revoked.

(10) O.J. No. L60, 28.2.98, p. 78

(10) O.J. No. L60, 28.2.98, p. 78

(11) S.R. & O. 1964 No. 31 as amended by S.R. 1981 No. 348, S.R. 1986 No. 48, S.R. 1994 No. 216 and S.R. 1996 No. 9

(12) S.R. 1998 No. 27

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

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on

L.S.

10th August 1998.

R. S. Johnston
Assistant Secretary

SCHEDULE

Logo for eartags



EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement in part:

- Title 1 of Council Regulation 820/97/EC establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products (O.J. No. L117, 7.5.97, p. 1);
- 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 (O.J. No. L354, 30.12.97, p. 17);
- 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 (O.J. No. L354, 30.12.97, p. 19); and
- 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 (O.J. No. L60, 28.2.98, p. 78).

Part I of the Regulations contains certain introductory provisions. Part II of the Regulations provides for the enforcement of Article 4 of Regulation 820/97/EC relating to double eartagging of cattle (regulation 3). They specify the form of eartag to be used (regulation 4), prohibit movement from a holding of an animal which is not properly tagged (regulation 5) and make provision for the removal and replacement of eartags (regulation 6). The Regulations also prohibit the alteration of eartags (regulation 7). They provide for tagging in the case of intra-Community trade and imports from third countries (regulations 8 and 9). They contain transitional provisions (regulation 10), place certain duties on market and slaughterhouse operators (regulations 11 and 12) and make provision for changes of eartag numbers (regulation 13).

Part III of the Regulations deals with powers of inspectors and penalties. Breach of regulation 16 (obstruction) is punishable by a fine of level 5 on the standard scale or three months imprisonment for obstruction. For other offences under Part II or III of the Regulations the penalty is:

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

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