
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 279

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

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) 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)(1) 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).

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.

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

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(2) 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.

(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.