

**2009 No. 411**

**AGRICULTURE**

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

*Made* - - - - - *11th December 2009*

*Coming into operation* - *31st December 2009*

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The Department of Agriculture and Rural Development<sup>(a)</sup>, makes the following Order in exercise of the powers conferred on it by Articles 5(1)(b), 19(e) and (g), 44, 52(1)(a) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981<sup>(b)</sup>:

## PART I

### Introduction

#### **Citation and commencement**

1. This Order may be cited as the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2009 and comes into operation on 31<sup>st</sup> December 2009.

#### **Interpretation**

2.—(1) In this Order—

“animal” means any animal of the ovine or caprine species;

“assembly centre” means an assembly centre as defined in regulation 2(1) of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006<sup>(c)</sup> and approved by the Department in accordance with regulation 12(2) of those Regulations;

“central point of recording” means a holding approved by the Department under Section C.2 of the Annex to the Council Regulation for recording the identities of animals arriving at that holding;

“centralised computer database” means the database operated by the Department for the purposes of Article 8 of the Council Regulation;

“collection centre” means any premises used by a dealer for the intermediate reception of animals intended to be moved for slaughter (but does not include a market);

“Council Regulation” means Council Regulation (EC) No 21/2004 of 17 December 2003 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>(d)</sup> as amended by Commission Regulation (EC) No 759/2009<sup>(e)</sup>;

“Divisional Veterinary Office” in relation to any holding means the Divisional Veterinary Office or DARD Direct Office of the Department for the area in which a holding is located;

“flock number” means the number allocated to a flock of sheep under Article 3(3);

“herd number” means the number allocated to a herd of goats under Article 3(3);

“holding” has the meaning given in Article 2 of the Council Regulation;

“holding number” means a number allocated by the Department under Article 3(3) to any holding on which any animals are kept;

“holding register” means the register required by Article 5 of the Council Regulation;

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(a) Formerly the Department of Agriculture for Northern Ireland; see the Departments Order 1999 (S.I. 1999/283 (N.I.1)) Article 3(4)

(b) S.I.1981/1115 (N.I. 22); The relevant amendments are S.I. 1984/702 (N.I. 2) Article 17 and S.I.1994/1891 (N.I. 6) Article 22 to 24

(c) S.R. 2006 No.401 as amended by S.R. 2007 No.327, S.R. 2008 No.53 and S.R. 2009 No.86

(d) O.J. No. L 5, 09.01.2004, p.8

(e) O.J. No. L215, 20.08.2009, p.3

“identification code” means the code set out on a means of identification as required under this Order;

“identification device” means an eartag, electronic eartag, pastern tag, electronic pastern tag or bolus;

“identification mark” means a method of identification applied in another member State, a means of identification or an older means of identification;

“incineration plant” means an incineration plant to which regulation 14 of the Animal By-Products Regulations (Northern Ireland) 2003(a) applies;

“keeper” has the meaning given in Article 2 of the Council Regulation;

“market” 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” means the 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” means an identification device or a tattoo;

“member State” means any member State of the European Union other than the United Kingdom and does not include the Isle of Man and the Channel Islands;

“method of identification” means an eartag, electronic eartag, pastern tag, electronic pastern tag, bolus or tattoo applied in another member State or third country;

“movement document” means the movement document required by Article 6 of the Council Regulation and in a format approved by the Department;

“previous Orders” means—

- (a) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 1997(b);
- (b) the Identification and Movement of Sheep and Goats (Amendment) Order (Northern Ireland) 1998(c); and
- (c) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004(d);

“reconciliation period” means the period between 1<sup>st</sup> December and 5<sup>th</sup> December in a calendar year;

“processing plant” means a processing plant to which regulation 14 of the Animal By-Products Regulations (Northern Ireland) 2003 applies;

“unique number” means a number that is unique to an animal in a flock or herd and contains no more than 5 digits.

(2) Other expressions defined in the Council Regulation have the same meaning in this Order.

### **Notification of a holding**

3.—(1) Subject to paragraph (5), a person who keeps an animal on a holding shall give notice to the Department containing particulars of—

- (a) the address of the holding;
- (b) the name and address of the owner, and, if different, the occupier of the holding;
- (c) the name and address of the keeper of the animal;
- (d) any numbers or codes used to identify animals on the holding;
- (e) any cattle or pigs on the holding; and
- (f) in relation to—

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(a) S.R. 2003 No.495 as amended by S.R. 2006 No.202

(b) S.R. 1997 No.173 as amended by S.R.1998 No.393 and revoked by S.R. 2004 No.491

(c) S.R. 1998 No.393 revoked by S.R.2004 No.491

(d) S.R. 2004 No.491

- (i) cattle on the holding, any unique identification code allocated under regulation 3(1)(b) of the Cattle Identification (No.2) Regulations (Northern Ireland) 1998(a); and
- (ii) pigs on the holding, a holding number allocated under paragraph 3(3) of the Schedule to the Aujeszky's Disease Scheme Order (Northern Ireland) 1994(b).

(2) In the case of a holding used for keeping animals on the date this Order comes into operation the notice required by paragraph (1) shall be given within 7 days of that date and in any other case shall be given within 7 days of the holding first being used to keep animals.

(3) On receiving notification under paragraph (1), the Department may allocate to the keeper, a holding number. This will be in the case of a flock of sheep, a flock number or, in the case of a herd of goats, a herd number.

(4) Where in relation to a holding to which Article 19(1) applies—

- (a) there is a change in the identity of the person keeping animals on the holding or in any other details notified under this Article;
- (b) all the animals on the holding are slaughtered, sold or otherwise disposed of,

the keeper shall notify the Department accordingly within 30 days of such change or disposal of animals.

(5) A notification made to the Department under Article 3(1) of the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2005(c) shall, notwithstanding the revocation of that Order, be regarded as a notification for the purpose of paragraph (1).

#### **Authorisations**

4.—(1) An authorisation, approval, notice or permission under this Order or the Council Regulation shall be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

(2) A person to whom any document specified in paragraph (1) is issued shall comply with its requirements.

## **PART II**

### **Identification devices**

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

5.—(1) An identification device used to comply with this Order must be of a model and colour approved by the Department.

(2) A person shall not sell or supply an identification device except in accordance with the conditions of an authorisation issued by the Department.

(3) A person shall not sell or supply to a keeper of animals an identification device with a herd or flock number unless that number has been allocated to the keeper under Article 3(3) or in accordance with Article 12 and 15.

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

6.—(1) Subject to the following provisions, a person shall only include on an identification device any information which is—

- (a) required or authorised by this Order; or

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(a) S.R. 1998 No.279 as amended by S.R. 1999 No.324 and S.R. 2004 No.420

(b) S.R. 1994 No.199

(c) S.R. 2005 No.535 as amended by S.R. 2006 No.508

(b) authorised by the Department,  
and shall not sell or supply to another any such device which does not comply with this paragraph.

(2) Notwithstanding paragraphs (1), a person may include on an identification device information prohibited by that paragraph or sell or supply an identification device with such information were—

- (a) the information is distinct from the identification code on the device; and
- (b) the identification code remains legible and clearly distinguishable at all times.

(3) Nothing in this Order shall prevent a person from applying an additional tag to an animal provided that tag does not contain the letters “UK” or bear a flock number or herd number unless authorised by the Department to do so.

### **Colour of identification devices**

7.—(1) A person shall not attach a red identification device to any animal, other than a replacement identification device.

(2) Where a keeper re-identifies an animal with a new identification device and that animal is not on its holding of birth, or the keeper does not know the holding of birth, he must use a red replacement identification device but the requirement to use a red identification device does not apply to the use of boluses or where the keeper provides the information required by Section B of the Council Regulation in accordance with Article 18.

(3) Where an animal is identified by means of a bolus and a matching identification device, the matching identification device must be light blue and a light blue identification device may only be used in combination with a bolus.

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

### **Destruction of identification devices**

8.—(1) The operator of a slaughterhouse, a processing plant, a collection centre, an incineration plant or any other person who finally disposes of an animal carcase must destroy, in a secure manner which prevents reuse all identification devices on animals or carcasses entering his premises.

(2) Where it is not practicable to remove an identification device from an animal or carcase, the operator or other person shall ensure that the device is disposed of, along with the carcase, at a processing plant or incineration plant.

(3) Secure destruction includes the processing in a processing plant or incineration in an incineration plant of any identification device.

(4) In this Article “collection centre” means a collection centre to which regulation 27 of the Animal By-Products Regulations (Northern Ireland) 2003 applies.

## **PART III**

### **Identification of animals not identified before 31 December 2009**

#### **Identification of animals not identified before 31st December 2009**

9.—(1) This article applies to—

- (a) sheep born before 31st December 2009 which are not identified before that date and are on the holding of birth;
- (b) sheep born on or after 31st December 2009;
- (c) goats born before 31st December 2009 which are not identified before that date are on the holding of birth and whose keepers chose to identify them electronically; and

(d) goats born on or after 31st December 2009 whose keepers chose 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.

(3) The keeper shall use the following means of identification referred to in the Annex to the Council Regulation, but is to say—

- (a) an electronic eartag and an eartag; or
- (b) an electronic eartag and a pastern tag; or
- (c) a bolus and an eartag; or
- (d) a bolus and a pastern tag; or
- (e) electronic pastern tag and an eartag.

(4) 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.

(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, the numbers “826”; and
- (b) a 12 digit number prescribed by the Department;

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

#### **Animals intended for slaughter**

10. The identification method in Article 4(3) of the Council Regulation and Section A.7 of the Annex to that Regulation shall not be used.

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

11.—(1) A person shall not contravene Article 4(6)(first paragraph) of the Council Regulation.

(2) But a keeper must replace a lost or illegible means of identification for any animal to which Article 9 or 13 applies, in accordance with Article 12 or 15 as the case may be, 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 the new identification codes in—

- (a) the holding register; or
- (b) the centralised computer database, if authorised in accordance with Article 18.

#### **Replacement of the means of identification for animals identified according to Article 9**

12.—(1) Where an animal identified according to Article 9 loses one means of identification, or that means of identification becomes illegible, the keeper must replace it with one bearing the same identification code or remove the remaining identification device and re-identify the animal according to Article 9.

(2) Where an animal identified according to Article 9 loses both means of identification, or both means of identification become illegible the keeper must re-identify the animal according to Article 9.

(3) If the animal is no longer on its holding of birth, or it is not known whether the animal is still on its holding of birth, the keeper must use a red means of identification. This does not apply where the means of identification is a bolus or an identification device matching a bolus, or where the keeper provides the information required by Section B of the Annex to the Council Regulation in accordance with Article 18.

## PART IV

### Identification of goats not identified before 31st December 2009

#### Identification of goats

13.—(1) Where a goat is on its holding of birth and has not been identified before 31st December 2009 the keeper must, if he has not identified it in accordance with Part III, identify it within the time limits specified in Article 9(4), with either—

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

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

- (a) the letters “UK” or “826”; and
- (b) a 12 digit number prescribed by the Department;

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

#### Re-identification of goats

14. Goats identified in accordance with Article 13 may be re-identified in accordance with Article 9 and in such a case Article 11(3) shall apply.

#### Replacement of the means of identification for animals identified according to Article 13

15.—(1) Where an animal identified according to Article 13 loses one means of identification, or that means of identification becomes illegible the keeper must replace it with one bearing the same identification code or remove the remaining identification device and re-identify the animal according to Article 13.

(2) Where an animal identified according to Article 13 loses both means of identification, or both means of identification become illegible the keeper must re-identify the animal according to Article 13.

(3) If the animal is no longer on its holding of birth, or it is not known whether the animal is still on its holding of birth, the keeper must use a red means of identification. This does not apply where the means of identification is a bolus or an identification device matching a bolus.

## PART V

### Removal or replacement of identification marks on animals identified before 31st December 2009

#### Removal or replacement of identification marks

16.—(1) Where an animal identified before 31<sup>st</sup> December 2009 is not identified with an identification mark the keeper must re-identify it in accordance with Article 9 in the case of a sheep or in the case of a goat Article 9 or Article 13—

- (a) no later than 28 days of discovering that the animal has no means of identification; and
- (b) before the animal is moved of the holding.



(2) A keeper may at any time re-identify the animal in accordance with Article 11 in the case of a sheep or in the case of a goat Article 9 or Article 13.

(3) Where an animal identified before 31<sup>st</sup> December 2009 is moved off a holding on or after 1<sup>st</sup> June 2010 the keeper must before the animal leaves the holding re-identify the animal with the means of identification specified in Article 9(2) in the case of a sheep or in the case of a goat Article 9 or Article 13.

(4) Where an identification mark is replaced with an identification mark bearing a different identification code the keeper must record the date of replacement identification and the new identification code in—

- (a) the holding register; or
- (b) the centralised computer database, if authorised in accordance with Article 18.

## PART VI

### Holding registers

#### **Holding registers**

**17.—**(1) A person shall not contravene Article 5(1), (3) and (5) of the Council Regulation.

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

- (a) record in the holding register the information required by Section B of the Annex to the Council Regulation and the number of animals moved; or
- (b) retain a duplicate or a certified copy of the movement document and keep such duplicate or copy with the register in chronological order with any other movement documents retained and shall—
  - (i) record the date of movement and the number of animals moved in the holding register; and
  - (ii) cross reference the movement document to the relevant movement records in the holding register.

(3) When an animal is re-identified the keeper shall record in the holding register the date of re-identification and the new identification code applied unless the identification code is the same.

(4) The register kept under Article 5(1) of the Council Regulation must be in a format approved by the Department.

(5) The keeper must complete the register—

- (a) in the case of the birth of an animal, within 7 days of identification;
- (b) in the case of the replacement of an identification mark, within 7 days of the replacement;
- (c) in the case of the movement of an animal onto or from a holding other than to a central point of recording, within 7 days of the movement;
- (d) in the case of a movement of an animal from a holding to a central point of recording, within 48 hours of the movement;
- (e) in the case of the death of an animal, within 7 days of the discovery of the death.

(6) For the purposes of Article 5(3) of the Council Regulation, the period for which the holding register, including the duplicate or certified copies of the movement documents if kept in accordance with paragraph 2(b), must be available is 3 years from the last day when an animal referred to on the document dies or leaves the holding.

#### **Derogation from holding registers**

**18.** In accordance with Article 5(4) of the Council Regulation the holding register shall be optional for any keeper—

- (a) who is authorised by the Department to notify information electronically for entry to the centralised computer database;
- (b) who provides the information required by Section B of the Annex to the Council Regulation and in the case of the movement of animals the number of animals moved; and
- (c) who provides the information within the timescales specified in Article 17(5), and in the manner specified by the Department.

### **Inventory of animals**

19.—(1) For the purpose of Article 7(2) of the Council Regulation, a person by whom a record is required to be kept under this Order shall annually check, on a date during the reconciliation period, the total numbers of animals on the holding including the categories, to which they belong, the occupation of the keeper and the type of production.

(2) The keeper of an animal shall record, by the end of the reconciliation period each year, the particulars specified in the holding register.

(3) The findings of an annual inventory carried out in accordance with paragraph (1) shall be communicated to the Department in such form and manner as it may from time to time determine.

(4) However, the inventory required under this Article shall be optional for any keeper—

- (a) who is authorised in accordance with Article 18; and
- (b) where the centralised computer database contains the identification mark of each animal kept on the holding.

## **PART VII**

### **Movement documents**

#### **Movement documents**

20.—(1) A person shall not contravene Article 6(1) of the Council Regulation or fail to complete the movement document in a form approved by the Department except that the identities of the animals moved may be recorded at the holding of destination where that holding is a central point of recording and the animals are transported in accordance with Section C of the Annex to the Council Regulation.

(2) The keeper at the holding of origin shall retain a copy of the movement document for 3 years from the date of the movement of an animal off his holding and shall keep them in chronological order.

(3) A keeper shall retain the information provided by a central point of recording in accordance with paragraph (1) with the movement document to which it refers for a period of 3 years from the date of the movement of an animal off his holding.

(4) The keeper at the holding of destination shall comply with Article 6(3) of the Council Regulation and shall keep the movement documents in chronological order.

(5) For the purposes of Article 6(3) the minimum period for which the keeper at that holding must keep the movement document is 3 years from the date of the movement of an animal onto his holding.

(6) A keeper shall not move or cause or permit to be moved, any animal onto or from a holding unless—

- (a) the Department has allocated to the keeper a herd or flock number in respect of the holding; and
- (b) the animal is identified in accordance with the relevant provisions of this Order.

### **Supply of movement document**

**21.**—(1) Subject to Article 22(4) in the case of an animal moved from a holding, other than a market, to a second holding—

- (a) upon the animal's arrival at the second holding, the transporter must give the movement document to the keeper at that holding; and
- (b) the keeper at the second holding must send a copy of the movement document to the Divisional Veterinary Office—
  - (i) within 7 days of the animal arriving at the holding in the case of a holding other than market or a slaughterhouse; and
  - (ii) in the case of a market or a slaughterhouse not approved as a central point of recording in accordance with Article 25, on the day of movement to which it relates, or where this is not reasonably practicable, on the next following working day.

(2) in the case of an animal moved from a holding for consignment outside Northern Ireland, the keeper at that holding must send a copy of the movement document to the Divisional Veterinary Office—

- (a) within 7 days of the animal leaving the holding in the case of a holding other than an assembly centre; or
- (b) on the day of the movement to which it relates, or where this is not reasonably practicable on the next following working day, in the case of an assembly centre.

(3) In the case of an animal moved onto a holding from a place outside Northern Ireland the keeper at that holding must send a copy of the movement document to the Divisional Veterinary Office—

- (a) within 7 days of the animal leaving the holding in the case of a holding other than a slaughterhouse; and
- (b) within 24 hours in the case of the arrival of an animal at a slaughterhouse not approved as a central point of recording in accordance with Article 25.

### **Derogation from movement documents**

**22.**—(1) For the purposes of Article 6(4) of the Council Regulation the Department may authorise any person to notify the movement of an animal by electronic means.

(2) An authorisation under this Article shall specify the format in which the data is to be transmitted and the method of transmission.

(3) Where a person is authorised under this Article to notify the movement of any animal by electronic means, any notification he gives pursuant to that authorisation shall contain the same information in relation to that movement as would be required in the case of a notification by a movement document under Article 21(1) and shall be in the format specified under paragraph (2).

(4) Where the centralised computer database contains the movement information under paragraph (3), the movement document shall be optional.

(5) Where a person notifies the movement of an animal electronically to the Department in accordance with this Article and that movement is to the holding of a keeper not authorised by the Department to notify a movement electronically, the person shall upon the animal's arrival at the second holding supply a movement document to that keeper.

(6) A keeper to whom a movement document is supplied under paragraph (5) shall send a copy of the movement document to the Divisional Veterinary Office—

- (a) within 7 days of the animal arriving at the holding in the case of a holding other than a market, slaughterhouse or assembly centre; or
- (b) in the case of a market, slaughterhouse or assembly centre on the day of movement to which it relates, or where this is not reasonably practicable, on the next following working day.

(7) Where a person not authorised under this Article to notify a movement electronically moves an animal to a keeper who is authorised and the movement is entered onto the centralised computer database by that keeper in accordance with paragraph (3) and within the time periods specified in paragraph (6), the movement document shall be retained by the keeper under Article 20(5).

## PART VIII

### Markets

#### Markets

23. The owner or person in charge of a market shall—
- (a) ensure that an animal is not accepted into a market for sale or sold at the market unless it is identified in accordance with this Order;
  - (b) ensure that an animal is not accepted or exposed for sale or displayed at any market unless—
    - (i) it is accompanied by a valid copy of a movement document in accordance with Article 21; or
    - (ii) the movement information is already contained in the centralised computer database in accordance with Article 22;
  - (c) ensure that all animals are divided into groups of one or more animals immediately upon his arrival at the market and—
    - (i) a lot number is allocated to each group; and
    - (ii) the lot number is recorded in the holding register at the market; and
    - (iii) the lot number is recorded on the movement document which accompanied the animals into the market; or
    - (iv) where the movement document is not required in accordance with Article 22 the owner or person in charge of a market shall enter the lot number in the centralised computer database;
  - (d) in respect of any animal leaving the market—
    - (i) prior to the animal leaving supply the keeper with a copy of the movement document including full details of the holding to which the animal is being consigned and the lot number; and
    - (ii) unless the movement information is already entered in the centralised computer database in accordance with Article 25 send a copy of the movement document to the Divisional Veterinary Office in accordance with Article 21(1)(b)(ii).

#### Slaughterhouse operators

24. The owner or person in charge of a slaughterhouse shall—
- (a) take reasonable steps to satisfy himself of the place of origin and movement history of any animal presented for slaughter;
  - (b) ensure that an animal is not accepted for slaughter or slaughtered unless it is identified in accordance with this Order except with the permission of the Department;
  - (c) ensure that an animal is not accepted for slaughter unless it is accompanied by a valid copy of a movement document in accordance with Article 20 unless—
    - (i) the movement information is already contained in the centralised computer database in accordance with Article 22; or
    - (ii) the movement is of an animal falling within sub-paragraph (e).

- (d) endorse the movement document relating to the animal including the name and address of the owner or person in charge of the slaughterhouse and such further information as the Department may specify; and
- (e) in the case of an animal not originating from a holding in Northern Ireland but moving directly to the slaughterhouse from the point of import, ensure—
  - (i) that it is accompanied by the original veterinary health certificate from the country or region of origin or a copy of the same endorsed by an inspector;
  - (ii) that the certificate described at head (i) is surrendered to an inspector at the slaughterhouse at the earliest opportunity after arrival of the animal; and
  - (iii) that the veterinary health certificate described at head (i) is endorsed in a manner specified by the Department upon acceptance of an animal for slaughter, ensuring that every detail specified by the Department in respect of an imported animal has been recorded on the document; and
  - (iv) retain a copy of the veterinary health certificate for a period of 3 years following the end of the month in which the document was received.

### **Central point of recording**

25. An operator approved as a Central Point of Recording by the Department under Section C, point 2 of the Annex to the Council Regulation, shall enter information relating to the movement of an animal to and from the holding on the centralised computer database on the day of movement to which it relates, or where this is not reasonably practicable, on the next following working day.

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

26.—(1) The Department may exempt a market, slaughterhouse or collection centre operator from the requirement to record the unique number of each animal on a movement document or on a holding register where a contingency plan has been agreed between the Department and the operator in question which in the opinion of the Department is adequate to ensure reasonable steps are taken to make a record of the identity of the animals.

(2) The Department 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 market or slaughterhouse operator and the circumstances in which, provided those conditions are met, the exemptions in paragraph (1) will apply.

(4) A market or slaughterhouse operator must apply for an exemption under paragraph (1) as soon as possible on every occasion when they wish to apply the exemptions and must cease to accept animals without recording the information referred to in paragraph (1) if the exemption is refused.

## **PART IX**

### **Animals brought into Northern Ireland**

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

27.—(1) A person shall not 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 on or after 9<sup>th</sup> July 2005; or

- (b) Council Directive 92/102/EEC on the identification and registration of animals (a) in the case of an animal born on or before 8<sup>th</sup> July 2005.

(2) It is an offence to remove 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, Wales, the Channel Islands or the Isle of Man**

**28.** A person shall not receive an animal from England, Scotland, Wales, the Channel Islands or the Isle of Man unless it is identified and accompanied by a movement document in accordance with—

- (a) legislation corresponding to the previous Orders and any additional requirements imposed in legislation enforcing the Council Regulation in relation to those animals; or
- (b) Article 9(3) in the case of an animal born after 31<sup>st</sup> December 2009.

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

**29.—**(1) A person shall not contravene 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”;
- (b) a 12 digit number in accordance with a numbering scheme prescribed by the Department.

(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 of identification in the holding 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**

**30.** 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 X**

### **Miscellaneous**

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

**31.—**(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 31<sup>st</sup> December 2009 is consigned for export the keeper shall record its individual identity in the holding register and may not export that animal until 30 days after its identity has been recorded.

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(a) O.J. No. L 355, 05.12.92, p.32

### **Reasonable assistance**

32. A person required to give reasonable assistance or information to a person acting under this Order shall, unless he has reasonable cause, do so without delay.

### **Information to be furnished to an inspector**

33.—(1) The keeper of an animal shall, on demand by an inspector, provide such information as he possesses as to—

- (a) the origin, identification and, where appropriate, the destination of any animal which is or has been on his holding;
- (b) any identification device, holding register or movement document which is or has been in his possession; and
- (c) the location of all or any part of his holding.

(2) Nothing in paragraph (1) shall be construed as requiring any person to provide any information if to do so may incriminate him.

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

34.—(1) An inspector may, serve a notice on a keeper of a flock, prohibiting the movement of sheep onto or from the holding specified in the notice, if he is satisfied that the prohibition is necessary for the proper enforcement of this Order or the Council Regulation in relation to that flock.

(2) An inspector may, serve a notice on a keeper of a herd, prohibiting 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 or the Council Regulation 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**

35. A person shall not furnish information which they know to be false or misleading to a person acting under this Order.

### **Alteration of identification marks**

36.—(1) Subject to Articles 11 and 16 a person shall not tamper with, remove or deface, or cause or permit to be tampered with, removed or defaced any identification device or identification mark, or any information contained in or written on or attached to an animal under—

- (a) the Council Regulation;
- (b) this Order or any provisions which give effect to the Council Regulation in England, Scotland or Wales;
- (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).

(2) A person shall not—

- (a) transfer an identification device or identification mark from an animal or a carcase to any other animal;
- (b) use for identifying any animal an identification device or identification mark which has at any time been used to identify any other animal;
- (c) remove an identification device or identification mark except in accordance with this Order or the permission of the Department;

- (d) replace an identification device or identification mark other than in accordance with this Order or the permission of the Department;
- (e) have in his possession an identification device or identification mark which bears an identification code already allocated to an animal on his holding or any other holding except a replacement identification device or identification mark specifically authorised by the Department;
- (f) have in his possession an animal bearing an identification device or identification mark which is not an approved identification device or identification mark, but which resembles an approved identification device or identification mark in terms of shape, size or colour; or
- (g) have in his possession without lawful excuse, an approved identification device or identification mark bearing an identification code other than that issued to him in accordance with the provisions of this Order.

(3) For the purposes of this Article any reference to an “identification device or identification mark” includes any other means of identification attached to an animal under the Council Regulation or previous Orders.

### **Export to Great Britain or Republic of Ireland**

**37.**—(1) An animal consigned for export to Great Britain shall be accompanied by a movement document and shall be—

- (a) In the case of an animal exported on or after 1<sup>st</sup> June 2010 identified in accordance with Article 9 in the case of a sheep or in the case of a goat Article 9 or Article 13; or
- (b) In the case of an animal exported before 1<sup>st</sup> June 2010—
  - (i) in the case of an animal first identified on or before 31<sup>st</sup> December 2009, identified with two blue eartags and the identification code on the first and second means of identification must be identical; or
  - (ii) in the case of an animal first identified after 31<sup>st</sup> December 2009, identified in accordance with Article 9 in the case of a sheep or in the case of a goat Article 9 or Article 13.

(2) An animal consigned for export to the Republic of Ireland shall be accompanied by a movement document and shall be—

- (a) in the case of an animal exported on or after 1<sup>st</sup> June 2010, identified in accordance with Article 9 in the case of a sheep or in the case of a goat Article 9 or Article 13; or
- (b) in the case of an animal exported before 1<sup>st</sup> June 2010—
  - (i) in the case of an animal first identified on or before 31<sup>st</sup> December 2009, identified with a blue eartag; or
  - (ii) in the case of an animal first identified after 31<sup>st</sup> December 2009, identified in accordance with Article 9 in the case of a sheep or in the case of a goat Article 9 or Article 13.

### **Common grazing**

**38.**—(1) When an animal moves to or from common grazing, the keeper shall—

- (a) identify the animal in accordance with this Order before it is moved onto common grazing; and
- (b) only move the animal from the common grazing to—
  - (i) the holding of origin; or
  - (ii) a slaughterhouse either directly or, via a collection centre; and
- (c) subject to Article 22, complete a movement document with the information required by Section C.1 of the Annex to the Council Regulation and send a copy to the Divisional



Veterinary Office within 7 days of the movement except that a movement document is not required where the common grazing is immediately adjacent to the holding; and

- (d) subject to Article 18, record in his holding register the information required by Section C.1 of the Annex to the Council Regulation within 7 days of the movement; or
- (e) retain a duplicate or certified copy of the movement document where applicable and keep such duplicate or copy with the register in chronological order with any other movement documents retained and shall—
  - (i) record the date of movement and the number of animals moved in the holding register; and
  - (ii) cross reference the movement document to the relevant movement records in the holding register.

(2) For the purpose of this paragraph, “common grazing” means land on which the keeper has a right of grazing in common with other proprietors.

### **Movement to or from the holding of origin for dipping or shearing**

39. When an animal leaves a holding for dipping or shearing or leaves the holding to which it was sent for dipping or shearing to return to the holding of origin, the keeper shall—

- (a) identify the animal in accordance with this Order before it is moved for dipping or shearing;
- (b) only move the animal from the holding to which it was sent for dipping or shearing directly to the holding that he brought it from or directly to slaughter; and
- (c) subject to Article 18, record the move to or from the holding in his holding register including the information required by Section C.1 of the Annex to the Council Regulation within 7 days of the movement.

### **Transitional and saving provisions**

40. Notwithstanding Article 17(6), any record in respect of sheep or goats required to be kept by any person under the provisions of the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2005(a) as in operation immediately before the commencement of this Order shall, if made on or before the commencement of this Order, be retained by him for a period of 3 years from the end of the month in which the last entry in the record was made.

### **Revocations**

41. The Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2005 and The Sheep and Goats (Records, Identification and Movement) (Amendment) Order (Northern Ireland) 2006(b) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 11th December 2009



*C. McMaster*

A senior officer of the Department of Agriculture and Rural Development

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(a) S.R. 2005 No.535 as amended by S.R. 2006 No.508  
(b) S.R. 2006 No.508

## EXPLANATORY NOTE

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

This Order revokes and remakes with amendments The Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2005 (S.R. 2005 No.535 as amended) makes provision for the administration and enforcement in Northern Ireland 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 I of the Order deals with the notification of holdings. Any person who keeps an animal on a holding is required to notify certain particulars to the Department. On receiving a notification, the Department may allocate a holding number and a flock or herd number (Article 3). It also identifies the type of authorisations issued by the Department.

Part II of the Order provides that the Department must approve identification devices and sets out some general provisions in relation to the application of identification devices.

Part III of the Order requires the application of two means of identification, including one electronic device, to an animal identified or imported on or after 31st December 2009.

Part IV of the Order makes provisions for the identification of goats not identified under Part III.

Part V of the Order makes provisions for the removal or replacement of identification marks on animals identified under Part III.

Part VI of the Order makes provision for the enforcement of Article 5 of the Council Regulation the requirement for every keeper to keep an up-to-date holding register. The Department has adopted the Derogation under Article 5(4) of the Council Regulation for the holding register to be optional if certain conditions are met (Article 18). An annual inventory of animals must be conducted and the findings communicated to the Department (Article 19).

Part VII of the Order makes provision for the enforcement of Article 6 of the Council Regulation the requirement for a movement document to accompany an animal whenever it moves between holdings (Article 20). Article 21 imposes certain obligations on market operators. The Department has adopted the derogation under Article 6 of the Regulation which may authorise any person to notify the movement of an animal by electronic means (Article 22).

Part VIII of the Order makes provisions for markets (Article 23), slaughterhouses (Article 24), central points of recording (Article 25) and contingency planning for power and equipment failures (Article 26).

Part IX makes provision for the identification of animals brought into Northern Ireland from other member States (Article 27), other parts of the United Kingdom and Crown Dependencies (Article 28), and from third countries (Article 29 and 30).

Part X of the Order contains miscellaneous provisions including the requirements relating to animals which are to be exported (Article 31). Article 34 enables inspectors to prohibit the movement of a flock of sheep or a herd of goats to or from a holding. Articles 35 and 36 relate to the provision of false or misleading information and the alteration of identification marks. Article 37 relates to the export of an animal to Britain or the Republic of Ireland, Article 38 relates to animals moving to and from common grazing, Article 39 relates to the movement of animals from dipping or shearing to the holding of origin and Article 40 contains transitional and saving provisions.

**2009 No. 411**

**AGRICULTURE**

The Sheep and Goats (Records, Identification and Movement)  
Order (Northern Ireland) 2009