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STATUTORY INSTRUMENTS

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**1995 No. 12**

**The Bovine Animals (Records,  
Identification and Movement) Order 1995**

**Citation, commencement and revocation**

1.—(1) This Order may be cited as the Bovine Animals (Records, Identification and Movement) Order 1995 and shall come into force—

- (a) save in relation to article 8(1), on 30th January 1995; and
- (b) in relation to article 8(1), on 1st April 1995.

(2) To the extent provided in Schedule 1 and subject to article 5(6), the Orders specified in that Schedule are hereby revoked.

**Interpretation**

2.—(1) In this Order, unless the context otherwise requires,—

“the 1990 Order” means the Bovine Animals (Identification, Marking and Breeding Records) Order 1990(1).

“bovine animal” means a domestic animal of the bovine species (including *bubalus bubalis*);

“dam” means the female parent of a calf whether or not the calf was the product of an implanted ovum or embryo and excludes a female bovine animal from which the ovum or embryo has been taken;

“dairy herd” means a herd kept for milk production;

“the Directive” means Council Directive [92/102/EEC](#) on the identification and registration of animals(2) to the extent that it applies to animals of the bovine species;

“ear tag number” means the particulars comprised in an ear tag pursuant to article 8(3) or article 9(1);

“EEA State” means a State which is a Contracting Party to the EEA Agreement other than the United Kingdom but until the EEA Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein; and “the EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“farm” means any holding on which bovine animals are kept for the purpose of breeding, raising or fattening them;

“herd” means a number of bovine animals which the Minister is satisfied are managed together as a herd;

“herd mark” means the alphanumeric code which is allotted to a herd by the Minister;

“holding” means any establishment, construction, or, in the case of an open-air farm, any place in which bovine animals are held, kept or handled;

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(1) S.I.1990/1867 as amended by S.I. 1993/503.

(2) O.J. No. L355, 5.12.92, p.32.

“identification number of the holding” means the numeric code which is allotted to the holding by the appropriate Minister;

“market” means a market place or sale-yard or any other premises or place to which animals are brought from other places and exposed for sale; and includes any place adjoining those premises used by visitors to the market for parking vehicles and any lairage adjoining a market and used in connection with it;

“market operator” means the person for the time being responsible for managing the reception or the sale of bovine animals in a market;

“premises” includes land with or without buildings thereon and any market, saleyard, fairground, place of exhibition or lair; and

“slaughterhouse” means, in relation to England and Wales, a slaughterhouse or knacker’s yard as defined in section 34 of the Slaughterhouses Act 1974<sup>(3)</sup> and, in relation to Scotland, a slaughterhouse as defined in section 22 of the Slaughter of Animals (Scotland) Act 1980<sup>(4)</sup>.

(2) In this Order “ear tag”, save where the context otherwise requires, means an ear tag of a pattern approved by the Minister for the purposes of this Order; and

- (a) in article 5 (other than paragraph (2)(b)) and in articles 10, 12, 14 and 15 references to ear tags include references to ear tags attached in accordance with the provisions of the Directive under the laws of a member State other than the United Kingdom or EEA State; and
- (b) in article 5 (other than paragraph (2)(b)) and in article 14 references to ear tags also include references to identification marks applied to bovine animals in a country outside the United Kingdom otherwise than in accordance with the Directive.

### **Purpose of Order**

3. The purpose of this Order (other than article 6) is to give effect to the Directive.

### **Records**

#### **Notifications of holdings**

4.—(1) It shall be the duty of the owner or person in charge of any bovine animals on a holding to notify in writing the Divisional Veterinary Officer for the area in which the holding is situated of—

- (a) the address of the holding;
- (b) the name and address of the owner or occupier of the holding;
- (c) the identification number of the holding (if known to the person giving the notification); and
- (d) the species of any livestock kept on the holding.

(2) In the case of a holding established before this article comes into force,—

- (a) where a request in writing has been sent to the owner or person in charge of any bovine animals on the holding by the Divisional Veterinary Officer before the end of the period ending one month after this article comes into force, that duty shall be complied with within one month after that request is sent to him or within one month after this article comes into force, if later; and

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(3) 1974 c. 3.

(4) 1980 c. 13. The definition of “slaughterhouse” in section 22 was amended by section 59(1) of, and paragraph 24(b) of Schedule 3 to, the Food Safety Act 1990 (c. 16).

(b) in any other case, that duty shall be complied with within two months after this article comes into force.

(3) In the case of a holding established after this article comes into force, the duty imposed by paragraph (1) above shall be complied with within one month of the establishment of the holding.

(4) Within one month of any change being made in the notified particulars or of any addition to the information referred to in paragraph (1) above, the owner or person in charge of bovine animals on the holding shall in writing notify the Divisional Veterinary Officer of the change or the addition.

(5) The owner or person in charge of any bovine animal on the holding shall give the notified particulars to an inspector if requested to do so.

(6) In this article “Divisional Veterinary Officer” means the veterinary inspector appointed as such by the Minister for the area in which the holding is situated.

### **Records of bovine animals**

5.—(1) The owner or person in charge of bovine animals on a holding shall make a record in the form set out in Schedule 2, or in a form to the like effect, in respect of—

- (a) each movement of bovine animals to or from the holding;
- (b) the birth or death of a bovine animal on the holding; and
- (c) each change of ownership of bovine animals which takes place at a market or other holding without the animals being moved from the holding.

(2) A record under this article which relates—

- (a) to the movement of an animal shall be made within 36 hours of the movement;
- (b) to the birth of an animal in a dairy herd shall be made within 7 days of the birth;
- (c) to the birth of an animal otherwise than in a dairy herd shall be made within 30 days of the birth;
- (d) to the death of an animal shall be made within 7 days of the death;
- (e) to the replacement of an ear tag shall be made within 36 hours of the replacement.

(3) The owner or person in charge of bovine animals on a holding shall make a record of the number of such animals present on the holding; and the record shall be updated at least annually.

(4) It shall be the duty of the owner or person in charge of any bovine animals to inform in writing—

- (a) the person who, in relation to a market to which they are moved, is the market operator; or
- (b) the owner or person in charge of an assembly centre approved under regulation 5 of the Animals and Animal Products (Import and Export) Regulations 1993<sup>(5)</sup> to which they are moved,

of the following particulars—

- (i) the ear tag number of each animal;
- (ii) the date of the movement;
- (iii) the place from which the movement was made; and
- (iv) the place to which the movement was made.

(5) The reference in the form set out in Schedule 2 to a dam’s identification mark is to—

- (a) the ear tag number; or

(b) in the case of a female bovine animal to which an approved identification mark has been applied under the 1990 Order, that mark.

(6) In relation to records of bovine animals on a farm which are made before 1st April 1995 it shall be sufficient compliance with paragraphs (1) to (3) above if the owner or person in charge of the animals makes records in accordance with the Movement of Animals (Records) Order 1960(6) and the 1990 Order; and, notwithstanding article 1(2), those Orders shall have effect accordingly.

### **Records of calves at markets**

6.—(1) No person shall bring a calf to a market unless upon arrival he has furnished the market operator with a written declaration signed by the owner of the calf or his duly authorised agent stating—

- (a) the name and address of the owner of the calf;
- (b) the ear tag number of the calf;
- (c) that the calf has not been brought to a market before or, as the case may be, has been brought to a market only once during the previous 28 days; and
- (d) where the calf has been brought to a market once during the previous 28 days, the address of the market and the date on which the calf was brought there.

(2) Where a calf has been sold, and before its removal from the market, the market operator shall—

- (a) in the case of a sale by auction; and
- (b) upon request made by the purchaser, in the case of a sale by private treaty;

supply to the purchaser of the calf details in writing of—

- (i) the ear tag of the calf;
- (ii) the date of the sale of the calf and the address of the market at which it was sold; and
- (iii) where the calf has been brought to a market once within the previous 28 days, the address of that market and the date on which the calf was brought there.

(3) Every market operator shall keep a record of the details supplied to a purchaser of a calf for the purposes of paragraph (2) above and of the name and address of that purchaser.

(4) In this article, “calf” means a bovine animal under 12 weeks of age.

### **Retention and production of records under articles 5 and 6**

7.—(1) The person who makes any record under paragraphs (1) to (3) of article 5 or in accordance with paragraph (6) of that article, or the person in charge of the record, if different, shall retain it,—

- (a) where it relates to a farm, for a period of ten years; and
- (b) where it relates to any other holding, for a period of three years,

from the end of the calendar year in which the last entry was made.

(2) The person who receives any record under article 5(4) or the person in charge of the record, if different, shall retain it for a period of six months from the date of the movement to which it relates.

(3) A market operator—

- (a) to whom a declaration is furnished under article 6(1) shall retain the declaration for the period of six months from the date on which it is so furnished; and

- (b) shall retain any record kept by him under article 6(3) for the period of six months from the date of the sale of any calf to which it relates.
- (4) Any person who is for the time being in charge of any record required to be retained under this article shall, on demand made by an inspector at any reasonable time, produce the record and allow a copy of it or an extract from it to be taken.
- (5) Where a record required to be retained under this article is retained in electronic or magnetic form, references in paragraph (4) above—
  - (a) to production of the record are, if the inspector so requires, references to its production in written form; and
  - (b) to taking of copies of the record are references to the taking thereof in written form.

### ***Identification of animals***

#### **Attachment of ear tags to bovine animals**

**8.—**(1) Subject to paragraph (2) below, the owner or person in charge of a bovine animal shall attach an ear tag to the right ear of the animal in accordance with the following provisions of this article.

- (2) Paragraph (1) above does not apply to a bovine animal—
  - (a) which, before 1st April 1995, is marked with an identification mark in compliance with the 1990 Order; or
  - (b) to which an ear tag has been attached in compliance with the Directive in accordance with provisions of the law of another member State or an EEA State.
- (3) The ear tag shall comprise the following particulars—
  - (a) the country code ‘UK’;
  - (b) the relevant herd mark; and
  - (c) an unique number, being a number approved by the Minister for the purposes of this Order and allotted to the animal by the owner or person in charge of it.
- (4) In the case of a bovine animal born in Great Britain, an ear tag shall be attached to it,—
  - (a) in the case of an animal born in a dairy herd, within 36 hours of birth; and
  - (b) in any other case, within 30 days of birth,

and, in any event, before it is moved from the holding where it was born.

(5) In the case of a bovine animal which has been imported into Great Britain and to which an ear tag has not been attached in compliance with the Directive in accordance with provisions of the law of another member State or an EEA State, an ear tag shall be attached to it before it is moved from the holding to which it was moved immediately upon importation.

(6) Paragraph (1) above shall not apply in the case of a bovine animal which, on importation into Great Britain from a country other than a member State or an EEA State, is moved immediately to a slaughterhouse if the animal is slaughtered within 30 days of undergoing the checks laid down by Council Directive [91/496/EEC](#)(7).

- (7) Any person who has possession of any ear tags which may be, but have not been, attached to a bovine animal under this article or article 9(1) shall—
  - (a) keep them in a secure place; and

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(7) O.J. No. L268, 24.9.91, p.56, amended by Council Directive [91/628/EEC](#) (O.J. No. L340, 11.12.1991, p.17) and Council Decision 92/438 EEC (O.J. No. L243, 25.8.1992, p.27).

- (b) on demand made by an inspector at any reasonable time, produce them and allow a record of them to be taken.

### **Illegible or lost ear tags**

**9.—(1)** Where any ear tag which has been attached to a bovine animal becomes illegible or is lost, it shall be the duty of the owner or person in charge of the animal to attach a replacement tag to the animal as soon as practicable after the illegibility arises or the tag is lost; and—

- (a) in the case of a tag which had been attached under article 8, the replacement tag shall bear the country code ‘UK’ and either—
  - (i) the relevant herd mark and the number allotted to the animal in accordance with paragraph (3)(c) of that article with the prefix ‘R’, or
  - (ii) the particulars referred to in article 8(3);
- (b) in the case of a tag which had been attached in compliance with the Directive in accordance with provisions of the law of another member State or an EEA State, the replacement tag shall bear—
  - (i) the same number as that tag with the prefix ‘R’; or
  - (ii) the particulars referred to in article 8(3); and
- (c) in the case of an approved identification, the replacement tag shall bear either—
  - (i) the same particulars as the approved identification; or
  - (ii) the particulars referred to in article 8(3).

(2) Where an ear tag bears—

- (a) a new number in accordance with paragraph (1)(a)(ii) or paragraph (1)(b)(ii) above, that number shall be cross-referenced in the record maintained pursuant to article 5(1) to the number last allocated to the animal (whether under article 8(3)(c) or under paragraph (1)(a)(ii) or (1)(b)(ii) above); or
- (b) particulars in accordance with paragraph (1)(c)(ii) above, the record maintained pursuant to article 5(1) shall include a cross-reference to the relevant approved identification.

(3) Where an ear tag which has been attached to a bovine animal under this article becomes illegible or is lost, this article shall have effect in relation to that tag as it has in relation to—

- (a) a tag which had been attached under article 8;
- (b) a tag which had been attached in compliance with the Directive in accordance with provisions of the law of another member State or an EEA State; or
- (c) an approved identification,

as the case may require.

(4) In this article, “approved identification” means an identification mark in the form of an ear tag under the 1990 Order.

### **Temporary marks**

**10.** Without prejudice to the provisions of article 8, in the case of a bovine animal to which an ear tag is not attached, for the purpose of the temporary identification of that animal,—

- (a) the owner or person in charge of it shall, if so directed in writing by an inspector, apply to it a distinguishing mark in accordance with the direction; or
- (b) an inspector may himself apply a distinguishing mark to it.

### **Permitted additional ear tags**

**11.**—(1) Subject to paragraph (2) below, save in accordance with the provisions of this paragraph, it shall not be lawful to attach to any bovine animal an additional ear tag which could be confused with an ear tag attached—

- (a) under any other provision of this Order;
- (b) in compliance with the Directive in accordance with provisions of the law of another member State or an EEA State; or
- (c) in compliance with the 1990 Order.

(2) Nothing in paragraph (1) above shall preclude the attaching to an ear of an animal of an additional tag comprising information similar in all respects—

- (a) to that comprised in an ear tag attached under article 8(1) save for the country code ‘UK’; or
- (b) to that comprised in an ear tag which has been attached in compliance with the Directive in accordance with provisions of the law of another member State or an EEA State.

### **Removal of ear tags**

**12.** Save in accordance with an authority issued by a veterinary inspector, it shall not be lawful for any person—

- (a) to remove any ear tag from a bovine animal; or
- (b) to replace an ear tag attached to an animal otherwise than in replacement of one which has become illegible or which has been lost,

other (in either case) than an ear tag which has been attached to the animal in accordance with article 11(2).

### **Construction of ear tags**

**13.**—(1) It shall not be lawful for any person to attach an ear tag to a bovine animal under this Order unless the ear tag is of a pattern approved by the Minister for the purposes of this Order.

(2) It shall not be lawful for any person to supply to any other person an ear tag which may be attached to an animal under this Order unless the ear tag is so constructed as—

- (a) not adversely to affect the well-being of the animal to which it is attached;
- (b) to be legible for the life of the animal to which it is attached;
- (c) to be incapable of being altered in such a way that the fact of alteration cannot be readily observed; and
- (d) to be incapable of re-use.

### **Prohibition on alteration etc of identification marks**

**14.** It shall not be lawful—

- (a) to alter, obliterate or deface or attempt to alter, obliterate or deface an ear tag (other than an ear tag which has been attached to the animal in accordance with article 11(2)) or, subject to article 12, to remove an ear tag; or
- (b) to alter, remove, obliterate or deface or attempt to alter, remove, obliterate or deface an approved identification mark applied to the animal under the 1990 Order.

### **Restriction on movement etc of unidentified bovine animals**

**15.**—(1) Except in the circumstances described in article 8(6), it shall not be lawful to move a bovine animal on or off any premises unless an ear tag is attached to it.

(2) It shall not be lawful to sell a bovine animal or expose it for sale, or to cause it to be sold or exposed for sale, unless—

- (a) an ear tag is attached to the animal; and
- (b) the tag is clearly visible and legible.

(3) In this article “ear tag” means—

- (a) an ear tag attached to the animal as required by this Order;
- (b) in the case of an animal born before 1st April 1995, an approved identification mark applied to the animal under the 1990 Order; or
- (c) an ear tag which had been attached in compliance with the Directive in accordance with provisions of the law of another member State or an EEA State.

### ***Enforcement***

#### **Offences**

**16.** Any person who, without lawful authority or excuse, proof of which shall lie on him,—

- (a) fails to comply with any obligation imposed on him by any provision of articles 4, 5 and 6, paragraphs (1) to (4) of article 7, articles 8, 9 or 10(a), or
- (b) knowingly causes or permits the doing of anything which is a contravention of paragraph (a) above, or
- (c) knowingly causes or permits the doing of anything which is declared by this Order to be unlawful, or
- (d) makes any entry in a record or statement or gives any information for the purposes of this Order which he knows to be false in a material particular or, for those purposes, recklessly makes a statement or gives any information which is false in a material particular,

commits an offence against the Animal Health Act 1981(8).

#### **Powers of veterinary inspector**

**17.** Where a veterinary inspector has reasonable grounds for suspecting that the provisions of this Order have not been complied with he may make such tests on, and take such samples from, any bovine animal or carcase as he considers necessary for the purpose of establishing the correctness of that suspicion.

#### **Enforcement**

**18.** The provisions of this Order shall be executed and enforced by the local authority.



5th January 1995	<i>Angela Browning</i> Parliamentary Secretary of State, Ministry of Agriculture, Fisheries and Food.
5th January 1995	<i>Fraser of Carmyllie</i> Minister of State, Scottish Office.
6th January 1995	<i>Gwilym Jones</i> Parliamentary Under Secretary of State, Welsh Office.