
STATUTORY INSTRUMENTS

1998 No. 871

The Cattle Identification Regulations 1998

PART II

EARTAGS

Enforcement of Article 4 of the Council Regulation (eartags)

3.—(1) The Minister of Agriculture, Fisheries and Food—

- (a) shall be the competent authority for the purposes of approving eartags for the purposes of Article 4.1 of the Council Regulation; and
- (b) on application from a manufacturer of approved eartags, shall allocate unique identification codes for the purposes of that Article, conforming with the provisions of paragraphs 1 and 2 of Article 1 of Commission Regulation (EC) No. 2629/97.

(2) The person responsible for identifying cattle by means of an eartag applied to each ear in accordance with Article 4.1 of the Council Regulation shall be the keeper.

(3) In accordance with Article 4.2 of the Council Regulation the keeper shall apply the eartags to the animal—

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

(4) Any person who fails to comply with the requirement in Article 4.1 of the Council Regulation to apply an eartag within the period specified in paragraph (3) above shall be guilty of an offence.

Form of eartags

4.—(1) Eartags applied under these Regulations shall be approved by the Minister of Agriculture, Fisheries and Food.

(2) In accordance with paragraphs 1 and 2 of Article 1 of Commission Regulation (EC) No. 2629/97, both eartags shall bear the logo specified in Schedule 1 to these Regulations, the letters “UK” and the unique number allocated by the Minister of Agriculture, Fisheries and Food (and, in the case of a two-piece eartag, both pieces of the eartag shall bear the logo).

(3) The power in Article 4 of Commission Regulation (EC) No. 2629/97 (a power to choose other material or model for the second eartag) may be exercised by the Minister of Agriculture, Fisheries and Food.

Movement from a holding

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

(2) In the case of an animal at a market which must be tagged in accordance with Article 4 of the Council Regulation and which is not so tagged, an inspector may issue a licence to the keeper permitting the animal to be moved from the market to a holding specified in the licence; and any person who moves an animal in breach of the licence or any condition of the licence shall be guilty of an offence.

Replacement eartags

6.—(1) The appropriate Minister shall be the competent authority for the purposes of Article 4.5 of the Council Regulations, and any person who either removes or replaces an eartag (or an eartag attached under the cattle tagging Orders) without permission in contravention of that Article or Article 4.4 of the Council Regulation shall be guilty of an offence.

(2) If a keeper of cattle (other than the operator of a slaughterhouse) discovers that an eartag applied under these Regulations has become illegible or has been lost, he shall, within 28 days of the discovery, replace it with an eartag of the same type and bearing the same number, and failure to do so shall be an offence.

(3) If a keeper of cattle discovers that an eartag applied under the provisions of the cattle tagging Orders has become illegible or has been lost, he shall, within 28 days of the discovery, either re-tag it with another single tag, or shall re-tag it with double tags in accordance with these Regulations, and any person failing to do so shall be guilty of an offence.

(4) If an animal brought in from another member State, Northern Ireland, the Isle of Man or the Channel Islands tagged in accordance with the Council Regulation loses an eartag the keepers shall, within 28 days of the discovery, re-tag it either—

(a) using a replacement tag from the place where it was originally tagged and using the same number, or

(b) using two new eartags approved by the Minister of Agriculture, Fisheries and Food, and any person failing to do so shall be guilty of an offence.

Eartags missing at a slaughterhouse

7.—(1) If the operator of a slaughterhouse discovers that an animal which should have been tagged in accordance with these Regulations has only one eartag he may, under the authority of a licence granted by the appropriate Minister, slaughter the animal for human consumption without replacing the relevant eartag but may not otherwise slaughter the animal for human consumption.

(2) If the operator of a slaughterhouse discovers that an animal which should have been tagged in accordance with these Regulations has no eartags, he shall not slaughter it for human consumption but may return it to the previous keeper under the authority of a licence granted by the appropriate Minister.

(3) If the operator of a slaughterhouse discovers that an animal which should have been tagged under one of the cattle tagging Orders does not have an eartag he shall not slaughter it for human consumption except under the authority of a licence granted by the appropriate Minister.

(4) If any person slaughters an animal contrary to the provisions of this regulation the operator of the slaughterhouse shall be guilty of an offence.

(5) Without prejudice to paragraph (4) above, if an animal without either eartag is slaughtered in contravention of this regulation the operator of the slaughterhouse shall identify the carcass as an animal by-product in accordance with the Animal By-Products (Identification) Regulations 1995(1) and dispose of it in accordance with the Animal By-Products Order 1992(2) unless the official

(1) S.I.1995/614 as amended by S.I. 1997/2073.

(2) S.I. 1992/3303 as amended by S.I. 1996/827 and S.I. 1997/2894.

veterinary surgeon is satisfied as to the identity of the animal and serves a notice on the operator allowing it to be used for human consumption.

Intra-Community trade

8. No person shall consign an animal for intra-Community trade unless it is tagged in each ear with an eartag approved by the Minister of Agriculture, Fisheries and Food in accordance with Article 4.1 of the Council Regulation or, if it complies with the conditions for the derogations set out in that paragraph relating to animals born before 1st January 1998, it is tagged in accordance with the cattle tagging Orders, and any person who does so shall be guilty of an offence.

Imports from third countries

9.—(1) Any person who fails to apply 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⁽³⁾), and in any event before leaving the holding of destination, as specified in Article 4.3 of the Council Regulation, shall be guilty of an offence.

(2) It shall be a defence for any person charged under this regulation to prove that—

- (a) when the animal was imported, the holding of destination was a slaughterhouse, and
- (b) the animal was slaughtered within 20 days of undergoing the checks on importation.

Alteration and storage of eartags

10.—(1) No person shall alter, obliterate or deface the information on an eartag approved under Article 4.1 of the Council Regulation or on an eartag attached under the cattle tagging Orders, and any person who does so shall be guilty of an offence.

(2) Any person who has in his possession unused eartags issued for the purposes of these Regulations shall keep them in a secure place, and failure to do so shall be an offence.

Transitional provisions relating to eartags

11.—(1) In accordance with paragraphs 1 and 2 of Article 1 of 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⁽⁴⁾) a keeper may, until 1st January 2000, mark cattle using eartags approved under the Bovine Animals (Records, Identification and Movement) Order 1995 provided that he does so in accordance with this regulation; and any person who makes use of those transitional provisions other than in accordance with this regulation shall be guilty of an offence.

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

- (a) it shall be tagged in each ear;
- (b) both tags shall be marked with the same number;
- (c) at least one of the eartags shall have been purchased before 1st January 1998;
- (d) at least one of the tags shall comply with the requirements in Article 3 of Commission Regulation [\(EC\) No. 2629/97](#);

⁽³⁾ OJ No. L268, 24.9.1991, p. 56 as last amended by the Act of Accession of Austria, Finland and Sweden.

⁽⁴⁾ OJ No. L354, 30.12.97, p. 17.

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

- (e) eartags used in accordance with this regulation must have been approved by the Minister of Agriculture, Fisheries and Food at the time of purchase.