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STATUTORY INSTRUMENTS

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**1998 No. 871**

**The Cattle Identification Regulations 1998**

**PART V**

**GENERAL**

**Powers of inspectors**

**30.**—(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 in connection with these Regulations) for the purposes of ascertaining whether there is or has been any contravention of these Regulations; and in this regulation “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of Title I of the Council Regulation, Commission Regulation (EC) No. 2628/97 and Commission Regulation (EC) No. 2629/97 and in particular may—

- (a) collect, pen and inspect any cattle, and may 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 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;
- (f) require production of any unused eartags and record their numbers; and
- (g) take with him a representative of the European Commission acting for the purposes of Title I of the Council Regulation or any other person he considers necessary for the enforcement of these Regulations.

**Powers to restrict movements**

**31.** In accordance with the second paragraph of Article 21 of the Council Regulation, an officer of the appropriate Minister 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 that Regulation, Commission Regulation (EC) No. 2628/97 or Commission Regulation (EC) No. 2629/97; and any person who fails to comply with that notice shall be guilty of an offence.

## **Obstruction**

**32.**—(1) No person shall—

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

any person who contravenes or fails to comply with this regulation shall be guilty of an offence.

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

## **Offences by bodies corporate**

**33.**—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity;

he, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where an offence under these Regulations is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

## **Penalties**

**34.**—(1) A person guilty of an offence under regulation 32(1)(a) or (b) above 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 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.

## **Enforcement**

**35.** These Regulations shall be enforced by the local authority or—

- (a) in England, by the Minister of Agriculture, Fisheries and Food;
- (b) in Wales, by the Secretary of State for Wales;
- (c) in Scotland, by the Secretary of State for Scotland.

## Revocations and savings

**36.—**(1) The provisions in Schedule 3 to these Regulations are revoked to the extent specified in the third column of that Schedule.

(2) The requirements under the Cattle Passports Order 1996<sup>(1)</sup> for animals born after 1st July 1996 relating to cattle passports shall continue to apply after the coming into force of these Regulations as if they were requirements under these Regulations.

(3) The following paragraph is substituted for paragraph (2)(b) of regulation 4 of the Suckler Cow Premium Regulations 1993<sup>(2)</sup>—

- “(b) retain for such period any records which he has kept under—
- (i) article 3(1) of the Movement of Animals (Records) Order 1960 and article 9(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990;
  - (ii) article 5(1) of the Bovine Animals (Records, Identification and Movement) Order 1995;
  - (iii) article 7.4 of Council Regulation (EC) No. 820/97 (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products) and the Cattle Identification (Enforcement) Regulations 1997; or
  - (iv) article 7.4 of Council Regulation (EC) No. 820/97 and the Cattle Identification Regulations 1998;

provided that the suckler cows for which an application for Community premium was made are clearly distinguished from other animals in such records.”.

(4) The following paragraph is substituted for paragraph (2)(b) of regulation 13 of the Beef Special Premium Regulations 1996<sup>(3)</sup>—

- “(b) retain for such period any records which he has kept under—
- (i) article 3(1) of the Movement of Animals (Records) Order 1960 and article 9(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990;
  - (ii) article 5(1) of the Bovine Animals (Records, Identification and Movement) Order 1995;
  - (iii) article 7.4 of Council Regulation (EC) No. 820/97 (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products) and the Cattle Identification (Enforcement) Regulations 1997; or
  - (iv) article 7.4 of Council Regulation (EC) No. 820/97 and the Cattle Identification Regulations 1998;

provided that the animals for which an application for Community premium has been made are clearly distinguished from other animals in such records.”.

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(1) S.I.1996/1686.  
(2) S.I. 1993/1441.  
(3) S.I. 1996/3241.