
STATUTORY INSTRUMENTS

2005 No. 3100

**The Sheep and Goats (Records, Identification
and Movement) (England) Order 2005**

PART 6

Eartags

Approval of eartags

22.—(1) In addition to approving eartags for the purposes of Section A.3 of the Annex to the Council Regulation, the Secretary of State shall approve eartags for the purposes of this Order.

(2) The Secretary of State may only approve eartags under paragraph (1) if she is satisfied that they are—

- (a) made of non-degradable material;
- (b) tamper-proof;
- (c) easy to read;
- (d) designed to remain attached to an animal without being harmful to it;
- (e) incapable of re-use; and
- (f) permanently marked with the information required by this Order.

Removal or replacement of eartags

23.—(1) No person shall remove any movement tag, identification tag, X tag or R tag from an animal without the authorisation of the Secretary of State, unless it is removed to prevent unnecessary pain or suffering to the animal.

(2) Paragraphs (3) to (5) are subject to article 25.

(3) If a movement tag is removed, lost or illegible, the keeper of the animal must, if he knows the number of that movement tag, attach an identical replacement to the animal as soon as possible, but no later than 6 months, after the movement tag was removed, lost or discovered to be illegible, but in any event before the animal is moved from the holding.

(4) If an identification tag is removed, lost or illegible, the keeper of the animal must attach an identical replacement or an R tag to the animal as soon as possible, but no later than 6 months, after the identification tag was removed, lost or discovered to be illegible, but in any event before the animal is moved from the holding.

(5) If an R tag is removed, lost or illegible, the keeper of the animal must attach an identical replacement or another R tag to the animal as soon as possible, but no later than 6 months, after the R tag was removed, lost or discovered to be illegible, but in any event before the animal is moved from the holding.

(6) For the purposes of this article, “movement tag”, “identification tag”, “X tag” and “R tag” shall be construed as including any eartag attached to an animal in Scotland, Wales or Northern

Ireland in accordance with the Council Regulation and any provisions that give effect to the Council Regulation in Scotland, Wales and Northern Ireland that bears the same code as a movement tag, identification tag, X tag or R tag.

Removal or replacement of eartags and tattoos applied under previous Orders

24.—(1) No person shall remove an eartag or tattoo attached or applied to an animal under any of the previous Orders without the authorisation of the Secretary of State, unless it is removed to prevent unnecessary pain or suffering to the animal.

(2) Paragraphs (3) to (6) are subject to article 25.

(3) If an S mark is removed, lost or illegible, the keeper of the animal must, if he knows the number of that S mark, attach or apply an identical replacement to the animal as soon as possible, but no later than 6 months, after the S mark was removed, lost or discovered to be illegible, but in any event before the animal is moved from the holding.

(4) If an origin mark is removed, lost or illegible, the keeper must attach or apply to the animal—

- (a) an identical replacement;
- (b) an eartag or tattoo with the letters “UK”, in the case of an eartag, the flockmark or herdmark of the flock or herd of birth and a unique number, if the animal is on its holding of birth; or
- (c) an R tag or, in the case of the replacement of a tattoo, an R tattoo, if the animal is on a holding other than the holding of birth.

(5) If an F mark is removed, lost or illegible, the keeper must attach or apply to the animal—

- (a) an identical replacement;
- (b) an eartag or tattoo with the letters “UK”, in the case of an eartag, the flockmark or herdmark of the flock or herd of import and a unique number and the letter “F”, if the animal is on the holding of import; or
- (c) an R tag or, in the case of the replacement of a tattoo, an R tattoo, if the animal is on a holding other than the holding of import.

(6) If an R mark is removed, lost or illegible, the keeper must attach or apply to the animal—

- (a) an R tag, if the R mark is an eartag or a tattoo; or
- (b) an R tattoo, if the R mark is a tattoo.

(7) For the purposes of this article, the “S mark”, “origin mark”, “F mark”, and “R mark” mean—

- (a) the S mark, origin mark, F mark and R mark that was attached or applied to an animal in accordance with any of the previous Orders applicable in England; or
- (b) in the case of an animal from Scotland, Wales or Northern Ireland any eartag that was attached to an animal in Scotland, Wales or Northern Ireland in accordance with any of the previous Orders applicable in Scotland, Wales or Northern Ireland that bears the same code as an S mark, origin mark, F mark or R mark.

Replacement of eartags lost at markets

25.—(1) The requirements of articles 23 and 24 to replace eartags and tattoos do not apply to a market operator or slaughterhouse operator.

(2) If an eartag or tattoo is removed, lost or discovered to be illegible while an animal is on the way to or at a market, the person who purchases the animal at the market must apply a replacement in accordance with the following provisions as soon as possible and in any event before the animal is moved from his holding—

- (a) in the case of a removed, lost or illegible movement tag, he must attach an identical replacement, unless, after taking all reasonable steps he cannot ascertain the number on the original tag;
- (b) in the case of a removed, lost or illegible identification tag, he must attach an identical replacement or an R tag;
- (c) in the case of a removed, lost or illegible eartag that was attached under any of the previous Orders, other than an S mark, he must attach an identical replacement or an R tag; or
- (d) in the case of a removed or illegible tattoo that was attached under any of the previous Orders, he must attach an R tag or apply an R tattoo.

Alteration of eartags etc.

26. No person shall alter, obliterate or deface the information on any eartag, tattoo or electronic transponder attached to an animal under—

- (a) the Council Regulation;
- (b) this Order or any provisions that give effect to the Council Regulation in Scotland, Wales or Northern Ireland;
- (c) any of 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.

Red eartags

27. No person shall attach a red eartag to any animal, other than an R tag.

Application of flockmarks and herdmarks

28. No person shall attach or apply to any animal an eartag, tattoo or electronic transponder bearing a flockmark or herdmark, other than for the purpose of complying with the Council Regulation or this Order, unless authorised to do so by the Secretary of State.

Intra-Community trade or export

29. No person shall consign an animal for export or intra-Community trade if it is marked with an eartag or tattoo with the letter “R” indicating that it is a replacement eartag or tattoo attached or applied under articles 13(2), 23, 24 or 25 or under any of the previous Orders.

Defences

30.—(1) It is a defence for any person charged with contravening or failing to comply with any provision in this Order or in the Council Regulation relating to attaching or applying eartags, tattoos or electronic transponders to prove that doing so would cause unnecessary pain or suffering to the animal.

(2) It is a defence for any person charged with contravening or failing to comply with any provision in this Order or the Council Regulation relating to the movement of an animal from a holding without attaching or applying the required eartag, tattoo or electronic transponder to prove that the animal was moved from the holding for the purposes of emergency veterinary treatment.