
STATUTORY INSTRUMENTS

2006 No. 2987

ANIMALS, ENGLAND

ANIMAL HEALTH

The Sheep and Goats (Records, Identification and Movement) (England) (Amendment) Order 2006

Made - - - - *14th November 2006*

Coming into force - - *11th December 2006*

The Secretary of State, in exercise of the powers conferred on him by sections 1, 8(1) and 83(2) of the Animal Health Act 1981⁽¹⁾, makes the following Order:

Title, application and commencement

1. This Order—
 - (a) may be cited as the Sheep and Goats (Records, Identification and Movement) (England) (Amendment) Order 2006;
 - (b) applies in England; and
 - (c) comes into force on 11th December 2006.

Amendment of the Sheep and Goats (Records, Identification and Movement) (England) Order 2005

2.—(1) The Sheep and Goats (Records, Identification and Movement) (England) Order 2005⁽²⁾ is amended as follows.

(2) In article 8 (identification for animals moved to another member State from the holding of birth or holding of import), for paragraph (2) substitute—

“(2) The second means of identification shall bear an identification code identical to that applied to the first means of identification under article 6(3), in the case of an animal born in England, or article 10(3), in the case of an animal imported from a third country.”.

(3) In article 13 (replacement of the means of identification with a different code), after paragraph (2) insert—

(1) 1981 c. 22.
(2) S.I. 2005/3100.

- “(2A) The keeper must apply the eartag required by paragraph (1) or (2) as soon as possible after the identification was discovered to be illegible or lost, but in any event—
- (a) no later than 28 days after it was discovered to be illegible or lost, and
 - (b) before the animal is moved from the holding.”.
- (4) In article 23 (removal or replacement of eartags)—
- (a) in paragraphs (3) to (5), omit the words from “as soon as possible” to the end;
 - (b) after paragraph (5), insert—
- “(5A) The keeper must attach the eartag required by paragraph (3), (4) or (5) as soon as possible after the original eartag was removed, or discovered to be lost or illegible, but in any event—
- (a) no later than 28 days after it was removed, or discovered to be lost or illegible, and
 - (b) before the animal is moved from the holding.”.
- (5) In article 24 (removal or replacement of eartags and tattoos applied under previous Orders)—
- (a) in paragraph (3), omit the words from “as soon as possible” to the end;
 - (b) after paragraph (6) insert—
- “(6A) The keeper must attach or apply the eartag or tattoo required by paragraph (3), (4), (5) or (6) as soon as possible after the original eartag was removed, or discovered to be lost or illegible, but in any event—
- (a) no later than 28 days after it was removed, or discovered to be lost or illegible, and
 - (b) before the animal is moved from the holding.”.
- (6) In paragraph (2) of article 25 (replacement of eartags lost at markets)—
- (a) omit “as soon as possible and in any event before the animal is moved from his holding”;
 - (b) omit “or” immediately preceding sub-paragraph (d);
 - (c) at the end, insert—
- “; and
- (e) he must attach or apply the replacement eartag or tattoo as soon as possible after the original eartag or tattoo was removed, or discovered to be lost or illegible, but in any event—
- (i) no later than 28 days after it was removed, or discovered to be lost or illegible, and
 - (ii) before the animal is moved from his holding.”.
- (7) In Part 9 (miscellaneous), before article 35 (enforcement), insert—

“Powers of inspectors

- 34A.**—(1) An inspector may, for any purpose relating to the enforcement of this Order—
- (a) collect, pen and mark any animal and require a keeper to arrange for the collection, penning, marking and securing of any animal;
 - (b) require the keeper to produce or copy any document or record;
 - (c) remove and retain any document or record;
 - (d) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with records;

- (e) where a record is kept by means of a computer, require the record to be produced in a form which may be taken away;
- (f) require the production of any unused ear tags, and record their numbers;
- (g) take with him a representative of the European Commission acting for the purposes of Article 12 of the Council Regulation, or any other people or things he considers necessary.

(2) A person required to do anything by an inspector acting under paragraph (1) shall, unless he has reasonable cause, do so without delay.

Power to prohibit movement of animals

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

(2) An inspector may, by serving notice on a keeper, prohibit the movement of a herd of goats to or from the holding specified in the notice, if he is satisfied that the prohibition is necessary for the proper enforcement of this Order in relation to that herd.

(3) A notice served under this article may be amended or revoked by further notice at any time.

(4) A person required to do anything by a notice served by an inspector under this article shall, unless he has reasonable cause, do so without delay.

False information

34C. No person shall furnish information which he knows to be false or misleading to a person acting under this Order.

Offences by bodies corporate

34D.—(1) If an offence against the Act committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on his part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body.

(3) “Officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.”.

(8) In paragraph 6 of Schedule 1 (movement from the holding of identification), for subparagraph (3) substitute—

“(3) When an animal is consigned from the holding of identification to another member State, the keeper must attach a second identification tag to the animal with a code identical to the first and enter the code on the identification tags in his register and in the movement document.”.

(9) In paragraph 16 of Schedule 1 (movements to another member State through an assembly centre)—

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- (i) in sub-paragraph (3), after “must” insert “attach a second eartag or an electronic transponder to the animal bearing its individual identification code, and”;
- (ii) in that sub-paragraph, for “number” substitute “code”;
- (iii) for sub-paragraph (6), substitute—
 - “(6) Sub-paragraph (5)(a) applies only in relation to animals which were moved from the holding referred to in sub-paragraph (3) before the coming into force of the Sheep and Goats (Records, Identification and Movement) (England) (Amendment) Order 2006.”.
- (10) In paragraph 17 of Schedule 1 (movements to another member State other than through an assembly centre)—
 - (i) in sub-paragraph (3), omit “Subject to sub-paragraph (4),”;
 - (ii) omit sub-paragraph (4).
- (11) For the form in Schedule 3, substitute the form in the Schedule to this Order.


Ben Bradshaw
Minister of State
Department for Environment, Food and Rural
Affairs

14th November 2006

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SCHEDULE

Article 2(11)



defra
Department for Environment
Food and Rural Affairs

Movement Document under the Sheep and Goats (Records, Identification and Movement) (England) Order 2005.

Please complete using BALL POINT pen and press firmly but before doing so read the important notes overleaf.

Section A – Identification and traceability. (Please also complete Section C below.)

Completion by Keeper at Departure Holding

1. **Departure details**
 Departure CPH/ Other ref.
 Return from Tack? Return from Sheep Dog Trials
 Return from rounding up from common land?

Keeper's name and full postal address of holding of **Departure**
 Name and full postal address of **Owner** (if different)
 Postcode Postcode

2. **Details of sheep** **goats** (Please tick appropriate box)

Number of animals	Description (e.g. ewes and kids)	Lot Number	Relevant Code or Flock / Herd Mark
Total number of animals			If necessary tick this box, and attach a continuation sheet AML 1A <input type="checkbox"/>

I declare the above details are correct.
 Keeper's Signature Date
 Name in BLOCK letters Tel. No. (incl. national dialling code)

Section B – Transporter details

Completion by Transporter

Name and full postal address
 Postcode
 Assured Scheme number

Vehicle registration(s)/ trailer ID
 Date and place vehicle last cleansed
 Transporters permit No. (where applicable)
 Expected duration of intended journey

Loading	Departure	Unloading
Date: <input type="text"/>	Date: <input type="text"/>	Date: <input type="text"/>
Start time: <input type="text"/>	Time: <input type="text"/>	Finish time: <input type="text"/>

Time and place where rest stops undertaken including if the animals were watered and/or fed (if over 8 hours)

Tel. No. (incl. nat. dialling code)
 Transporter's Signature
 Name in BLOCK letters

Section C – Destination details(1)

Completion by Keeper at Departure Holding

Name and full postal address
 Postcode

State type of Market or Collecting Centre, where appropriate
 • Dedicated slaughter • Other

Section D – Destination details(2)

Completion by Keeper at Holding of Destination

CPH/Other ref. No. of animals received
 I declare the details in this section are correct.
 Signature
 Name in BLOCK letters
 Date Tel. No. (incl. nat. dialling code)

AML 1 (Rev. 8/06) White copy: Local authority of destination premises within 3 days of move; Pink copy: Destination; Blue copy: Haulier; Yellow copy: Departure

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Sheep and Goats (Records, Identification and Movement) (England) Order 2005 (“the 2005 Order”).

Article 2(2), (8), (9) and (10) amends provisions of the 2005 Order on the identification of animals moved to another member State of the European Union. They remove the possibility of marking such an animal with an “X tag” (as defined in Article 2(1) of the 2005 Order). Article 2(9) amends paragraph 16 of Schedule 1 to the 2005 Order so that, in the case of an animal moved from a holding to an assembly centre for consignment to another member State, a second eartag must be applied before the animal leaves the holding.

Article 2(3) to (6) amends provisions of the 2005 Order on the replacement of removed, lost or illegible eartags or tattoos. The effect of the amendments is that a replacement eartag or tattoo must be applied as soon as possible after the removal or the discovery of the loss or illegibility of the eartag or tattoo, but in any event within 28 days and before the animal leaves the holding.

Article 2(7) inserts new enforcement provisions into the 2005 Order. Article 34A gives various powers to inspectors. Article 34B gives inspectors a power to prohibit the movement of a flock of sheep or a herd of goats to or from a holding, by notice served on a keeper, if they are satisfied that the prohibition is necessary for the proper enforcement of the 2005 Order in relation to that flock or herd. Articles 34C and 34D relate to the provision of false or misleading information and to offences committed by bodies corporate.

Article 2(11) and the Schedule prescribe a new form for recording animal movements (Schedule 3 of the 2005 Order). The new form contains a field to record the expected duration of the journey. This is a requirement of Article 4 of Council Regulation (EC) No. 1/2005 (O.J. L3, 5.1.2005, p. 1) on the protection of animals during transport and related operations.

A regulatory impact assessment of the effect that this instrument will have on the costs of business has been prepared and copies have been placed in the library of each House of Parliament. Copies can be obtained from Barry Austin, Department for Environment, Food and Rural Affairs, 1a Page Street, London SW1P 4PQ, telephone 020 7904 6095.