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WELSH STATUTORY INSTRUMENTS

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**2007 No. 842**

**The Cattle Identification (Wales) Regulations 2007**

**PART 4**

**GENERAL**

**Charging for information**

**9.** The National Assembly may make a reasonable charge for providing information that is stored in the database required by Article 5 of Regulation (EC) No. 1760/2000 and provided in accordance with the second paragraph of Article 3 of that Regulation.

**Powers of inspectors**

**10.—(1)** An inspector may, on producing a duly authenticated document showing his or her authority, if required, at all reasonable hours enter any land or premises for the purposes of ascertaining whether there is or has been any contravention of—

- (a) these Regulations;
- (b) Title I of Regulation (EC) No. 1760/2000;
- (c) Commission Regulation (EC) No. 494/98 (laying down detailed rules for the implementation of Council Regulation (EC) No. 820/97 as regards the application of minimum administrative sanctions in the framework of the system for the identification and registration of bovine animals<sup>(1)</sup>);
- (d) Commission Regulation (EC) No. 509/1999 (concerning an extension of the maximum period laid down for the application of ear tags to bison<sup>(2)</sup>);
- (e) Commission Regulation (EC) No. 911/2004; and
- (f) Commission Regulation (EC) No. 644/2005,

and in this regulation “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

(2) The power to enter premises only includes a power to enter domestic premises if they are being used in connection with the provisions in paragraph (1).

(3) An inspector may carry out all checks and examinations necessary for the enforcement of the provisions in paragraph (1), 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) take samples;
- (c) examine any records in whatever form, and take copies of those records;

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(1) OJ No. L60, 28.2.1998, p. 78.

(2) OJ No. L60, 9.3.1999, p. 53,

- (d) remove and retain any records or documents (including passports) relating to these Regulations;
- (e) have access to, and inspect and check the operation of, any computer and any associated apparatus or material that 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 or her such assistance as he or she may reasonably require;
- (f) where records are kept by means of a computer, require the records to be produced in a form in which they may be taken away;
- (g) require production of any unused ear tags and record their numbers; and
- (h) take with him or her a representative of the European Commission or any other person he or she considers necessary.

### **Powers to restrict movements**

**11.** In accordance with the second paragraph of Article 22(1) of Regulation (EC) No. 1760/2000, an officer of the National Assembly may serve a notice on a keeper of animals on a holding restricting the movement of cattle to or from the holding if he or she is satisfied that this is necessary for the proper enforcement of that Regulation, these Regulations, Commission Regulation (EC) No. 494/98, No. 509/1999, No. 911/2004 and No. 644/2005, and any person who fails to comply with that notice is guilty of an offence.

### **Slaughter of unmarked animals**

**12.** The National Assembly is the veterinary authority and the competent authority for the purposes of Article 1(2) of Commission Regulation (EC) No. 494/98.

### **Obstruction etc.**

**13.—(1)** A person who—

- (a) obstructs any person acting in the execution of these Regulations;
- (b) without reasonable cause, fails to give to any person acting in the execution of these Regulations any assistance or information that that person may reasonably require of him or her for the purposes of his or her functions;
- (c) furnishes to any person acting in the execution of these Regulations any information that he or she knows to be false or misleading; or
- (d) fails to produce a passport, document or record when required to do so to any person acting under these Regulations,

is guilty of an offence.

(2) Any person who provides false information in any notification made under these Regulations is guilty of an offence.

### **Offences by bodies corporate**

**14.—(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 or she, as well as the body corporate, is guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) In this regulation “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

### **Penalties**

**15.** A person guilty of an offence under these Regulations is 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**

**16.—**(1) These Regulations are enforced by the local authority.

(2) The National Assembly may direct in any particular case or class of case that it will enforce them instead.

### **Revocations**

**17.** The following are revoked insofar as they apply in relation to Wales—

- (a) the Bovine Animals (Records, Identification and Movement) Order 1995**(3)**;
- (b) the Cattle Identification Regulations 1998**(4)**;
- (c) the Cattle Database Regulations 1998**(5)**;
- (d) the Cattle Identification (Amendment) Regulations 1998**(6)**;
- (e) the Cattle Identification (Amendment) Regulations 1999**(7)**;
- (f) the Cattle (Identification of Older Animals) (Wales) Regulations 2000**(8)**;
- (g) the Cattle Database (Amendment) (Wales) Regulations 2002**(9)**;
- (h) the Cattle (Identification of Older Animals) (Wales) (Amendment) Regulations 2002**(10)**;
- (i) the Cattle Identification (Amendment) Regulations 2006**(11)**; and
- (j) the Cattle Database (Amendment) Regulations 2006**(12)**.

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**(3)** S. I. 1995/12.

**(4)** S. I. 1998/871.

**(5)** S. I. 1998/1796.

**(6)** S. I. 1998/2969.

**(7)** S. I. 1999/1339.

**(8)** S. I. 2000/3339 (W.217).

**(9)** S. I. 2002/304 (W.35).

**(10)** S. I. 2002/273 (W.29).

**(11)** S. I. 2006/1538.

**(12)** S. I. 2006/1539.