

1990 No. 1867

ANIMALS

ANIMAL HEALTH

The Bovine Animals (Identification, Marking and Breeding Records) Order 1990

Made - - - - 18th September 1990

Laid before Parliament 26th September 1990

Coming into force - 15th October 1990

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 8(1), 10(1) and (2), 72 and 86(1) of the Animal Health Act 1981(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Bovine Animals (Identification, Marking and Breeding Records) Order 1990 and shall come into force on 15th October 1990.

Interpretation

2. In this Order, unless the context otherwise requires—

“the Act” means the Animal Health Act 1981;

“appropriate Minister” means, in relation to England, the Minister, and in relation to Scotland or to Wales, the Secretary of State;

“approved identification” means an identification made in a manner approved by the appropriate Minister identifying the individual animal;

“bovine animal” means a bull, cow, steer, heifer or calf;

“dairy herd” means any bovine animals which are kept for milk production;

“dam” means the female parent of a calf whether or not the calf was the product of an implanted ovum or embryo and excludes a female bovine animal from which the ovum or embryo has been taken;

“distinguishing mark” means a mark placed on a bovine animal or bovine animals to distinguish it or them, as the case may be, from other bovine animals;

“inspector” means a person appointed to be an inspector for the purposes of the Act by the Minister or by a local authority, and, when used in relation to an officer of the Ministry, includes a veterinary inspector;

“the Minister” and “the Ministry” mean respectively the Minister and the Ministry of Agriculture, Fisheries and Food;

“premises” includes land with or without buildings but does not include any part of

(a) 1981 c.22; section 86(1) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which this Order is made.

any premises used for the temporary detention of animals as a market, sale-yard, fairground, slaughterhouse lair or place of exhibition;

“slaughterhouse” means—

- (a) in relation to England and Wales, a slaughterhouse or knacker’s yard as defined in section 34 of the Slaughterhouses Act 1974(a), and
- (b) in relation to Scotland, a slaughterhouse as defined in section 22 of the Slaughter of Animals (Scotland) Act 1980(b); and

“veterinary inspector” means a veterinary inspector appointed by the Minister.

Application of the Order

3. The provisions of the Order shall not apply in relation to approved premises, within the meaning of the Importation of Animals Order 1977(c) and shall apply in relation to imported animals only—

- (a) from the time specified in the licence issued in respect of those animals under article 11(5) of that Order; or
- (b) where the existence or suspected existence of disease in any part of Great Britain makes it expedient that no such licence should be issued for the time being, from the time when those animals have completed the period of detention in quarantine required under the provisions of that Order, or as the case may be, have been rested in an approved reception centre for the period so required.

Identification of bovine animals

4.—(1) Subject to paragraph (2) below, the owner or person in charge of a bovine animal kept on any premises shall identify the animal with an approved identification.

(2) The requirement in paragraph (1) above shall not apply in relation to—

- (a) a bovine animal in a dairy herd being a bovine animal less than 36 hours old; or
- (b) any other bovine animal less than 7 days old.

(3) The owner or person in charge of a bovine animal kept on any premises which has lost (for whatever reason) its approved identification shall identify the animal with the approved identification appropriate to those premises and record the details of the previous approved identification of the animal with the details of the new approved identification except that the owner or person in charge of the bovine animal shall not be required to record the details of the previous approved identification if after making reasonable inquiries he has been unable to obtain such details.

Restriction on the movement of unidentified bovine animals

5. No person shall move a bovine animal on to or off any premises unless it has an approved identification.

Restriction on the sale of unidentified bovine animals in markets

6. The owner or person in charge of a bovine animal shall not sell or expose for sale the animal or cause it to be sold or exposed for sale in any market or sale-yard unless—

- (a) the animal has an approved identification; and
- (b) the approved identification is clearly legible.

Distinguishing bovine animals

7.—(1) The owner or person in charge of bovine animals shall mark such animals with a distinguishing mark if so required in writing by an inspector for the purposes of this Order.

(a) 1974 c.3.

(b) 1980 c.13.

(c) S.I. 1977/944.

(2) An inspector may, for the purposes of this Order, mark bovine animals kept on any premises with a distinguishing mark.

Maintenance of approved identification and distinguishing marks

8.—(1) The owner or person in charge of a bovine animal shall maintain its approved identification so that it is clearly legible.

(2) The owner or person in charge of a bovine animal with a distinguishing mark shall maintain that distinguishing mark so that it is clear and, where appropriate, clearly legible.

(3) No person shall alter, remove, obliterate or deface or attempt to alter, remove, obliterate or deface an approved identification or a distinguishing mark.

Breeding records of bovine animals

9.—(1) The owner or person in charge of a female bovine animal which gives birth to a calf shall enter in a record in the form set out in the Schedule to this Order or in a form to the like effect such particulars relating to that calf and its dam, as are specified in the headings of the several columns in that Schedule.

(2) Every entry in a record to be made by a person under this Order shall be made by him within the period specified in paragraph 3 below.

(3)(a) Where the entry relates to the birth of a bovine animal in a dairy herd the entry shall be made within 36 hours of the birth.

(b) Where the entry relates to the birth of a bovine animal other than a bovine animal in a dairy herd the entry shall be made within 7 days of the birth.

(4) Every record required to be made by a person under this Order shall be retained by him for a period of 10 years from the date of the birth to which the record relates.

(5) Any person who is for the time being in charge of any record required to be made under this Order shall, on demand made by an inspector at any reasonable time during that period, produce those records and allow a copy to be made of them, or an extract to be taken from them and where the records are kept by means of a computer they shall be produced in a form in which they may be taken away.

Sampling

10. Where a veterinary inspector has reasonable grounds for supposing that the provisions of this Order have not been or are not being complied with he may make such tests on, and take such samples from, any bovine animal or carcass as he considers necessary for the purpose of establishing the correctness of that supposition.

Offences

11. Any person who, without lawful authority or excuse, proof of which shall lie on him—

(a) contravenes any provision of this Order; or

(b) fails to comply with any such provision; or

(c) causes or permits any such contravention or non-compliance; or

(d) makes an entry in a record for the purposes of this Order which he knows to be false in a material particular; or

(e) recklessly makes an entry in a record for the purposes of this Order which is false in a material particular,

commits an offence against the Act.

Local authority to enforce Order

12. Except where otherwise indicated, the provisions of this Order shall be executed and enforced by the local authority.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th September 1990.



John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

11th September 1990

Lord Strathclyde
Parliamentary Under Secretary of State, Scottish Office

12th September 1990

David Hunt
Secretary of State for Wales

SCHEDULE

(Article 9(1))

FORM OF RECORD

**BOVINE ANIMALS (IDENTIFICATION, MARKING AND BREEDING RECORDS) ORDER
1990**

Name and Address of person keeping the record:

[Particulars of each calf]				
Date of Birth [1]	Breed [2]	Sex [3]	Approved Identification [4]	Approved Identification of Dam [5]

EXPLANATORY NOTE

(This note is not part of the Order)

This Order—

- (a) requires the owners or persons in charge of female bovine animals to keep records of the date of birth, breed, sex and dam of calves of such animals (article 9);
- (b) enables a veterinary inspector to test a bovine animal and take samples from it for the purpose of establishing whether his reasonable supposition that the Order has not been complied with is correct (article 10); and
- (c) provides for the marking of bovine animals with a distinguishing mark so as to distinguish them from other bovine animals (article 7).

This Order also re-enacts with certain amendments those parts of the Tuberculosis (England and Wales) Order 1984 (S.I. 1984/1943) and the Tuberculosis (Scotland) Order 1984 (S.I. 1984/2063) revoked by the Tuberculosis (England and Wales) (Amendment) Order 1990 (S.I. 1990/1869) and the Tuberculosis (Scotland) (Amendment) Order 1990 (S.I. 1990/1908) respectively.

The Order continues to provide for the identification of bovine animals (article 4) and to prohibit the sale of, or exposure for sale, of unidentified bovine animals (article 6).

The changes of substance made by this Order are—

- (a) the period within which a bovine animal must be identified has been reduced from 14 days for all bovine animals to 36 hours for bovine animals in dairy herds and 7 days in other cases (article 4(2));
- (b) where possible, a record of the previous identification shall be made when a bovine animal loses its identification and is given a new identification (article 4(3));
- (c) the prohibition on the movement of unidentified bovine animals has been extended to England and Wales (article 5); and
- (d) the exception to the obligation to identify a bovine animal, in the case of an animal younger than 14 days which is sent directly to a slaughterhouse, has been removed.

£1.40 net

ISBN 0 11 004867 9

Printed in the United Kingdom for HMSO