

2005 No. 3100

ANIMALS, ENGLAND
ANIMAL HEALTH

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

Made - - - - - *6th November 2005*

Coming into force - - *30th November 2005*

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The Secretary of State, in exercise of the powers conferred on her by sections 1, 8(1) and 72 of the Animal Health Act 1981(a), makes the following Order:

PART 1

Introduction

Title, application and commencement

1. This Order—
 - (a) may be cited as the Sheep and Goats (Records, Identification and Movement) (England) Order 2005;
 - (b) applies in England; and
 - (c) comes into force on 30th November 2005.

Interpretation

- 2.—(1) In this Order, except where the context otherwise requires—

“assembly centre” means an assembly centre as defined in regulation 1(2) of the Animals and Animal Products (Import and Export) (England) Regulations 2005(b) and approved by the Secretary of State in accordance with regulation 12(2) of those Regulations;

“Council Directive 92/102/EEC” means Council Directive 92/102/EEC on the identification and registration of animals(c);

“Council Regulation” means Council Regulation (EC) No. 21/2004 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC(d);

“CPH”, in the forms in Schedules 2 and 3, means the county parish holding number assigned from time to time to any premises or part of any premises by the Secretary of State;

“flockmark”, except in paragraph 18 of Schedule 1, means the number allocated by the Secretary of State in respect of a flock of sheep on a holding;

“herdmark”, except in paragraph 18 of Schedule 1, means the number allocated by the Secretary of State in respect of a herd of goats on a holding;

“holding of import” means the holding to which animals imported from a third country are first moved for the purposes of livestock farming;

“identification tag” means the eartag referred to in paragraph 5 of Schedule 1 and approved by the Secretary of State in accordance with article 22;

“local authority” means—
 - (a) where there is, within the meaning of Local Government Changes for England Regulations 1994(e), a unitary authority for that local government area, that authority;
 - (b) where there is not a unitary authority—
 - (i) in a metropolitan district, the council of that district;
 - (ii) in a non-metropolitan county, the council of that county; or
 - (iii) in each London borough, the council of that borough;
 - (iv) in the city of London, the Common Council;

“movement document” means the movement document required by Article 6 of the Council Regulation;

(a) 1981 c 22. Functions conferred under the 1981 Act on “the Ministers” (as defined in section 86 of that Act) were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) and were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(b) S.I. 2005/2002.

(c) OJ No L 355, 5.12.92, p. 32.

(d) OJ No. L 5, 9.1.04, p. 8.

(e) S.I. 1994/867 to which there are amendments not relevant to this Order.

“movement tag”, except in paragraph 18 of Schedule 1, means an eartag approved by the Secretary of State in accordance with article 22 with a code comprising the following information, printed in the following order—

- (a) the letter “S”; and
 - (b) the flockmark or herdmark of the flock or herd the animal is leaving;
- “the previous Orders” means—
- (a) the Sheep and Goats Identification and Movement (Interim Measures) (England) (No. 2) Order 2002(a);
 - (b) the Sheep and Goats Identification and Movement (Interim Measures) (England) Order 2002(b);
 - (c) the Sheep and Goats Identification (England) Order 2000(c);
 - (d) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) (No. 2) Order 2002(d);
 - (e) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002(e);
 - (f) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Regulations 2002(f);
 - (g) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004(g);
 - (h) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 1997(h);
 - (i) the Sheep and Goats Identification (Scotland) Regulations 2000(i); or
 - (j) the Sheep and Goats Movement (Interim Measures)(Scotland) Order 2002(j);

“register” means the register required by Article 5 of the Council Regulation;

“R tag” means a red eartag approved by the Secretary of State in accordance with article 22 with a code comprising the following information, printed in the following order—

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the flock or herd the animal is in when the eartag is applied;
- (c) a unique number; and
- (d) the letter “R”;

“R tattoo” means a tattoo with the following information, in the following order—

- (a) the flockmark or herdmark of the flock or herd the animal is in when the tattoo is applied;
- (b) a unique number; and
- (c) the letter “R”;

“temporary grazing” means a holding on to which a keeper moves an animal for a limited period of time for the purpose of being fed or pastured;

“unique number” means a number that is unique to an animal in a flock or herd and contains no more than 6 digits;

“X tag” means an eartag approved by the Secretary of State in accordance with article 22 with a code comprising the following information, printed in the following order—

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the flock or herd the animal is leaving;
- (c) a unique number; and
- (d) the letter “X”.

(a) S.I. 2002/2153, amended by S.I. 2003/29, S.I. 2003/502 and S.I. 2003/1728.

(b) S.I. 2002/240, amended S.I. 2002/764 and S.I. 2002/1349.

(c) S.I. 2000/2027, amended by S.I. 2001/281.

(d) S.I. 2002/2302 (W. 227), amended by S.I. 2003/167 (W. 27), S.I. 2003/946 (W. 127) and S.I. 2003/1966 (W. 211).

(e) S.I. 2002/1357 (W. 133).

(f) S.I. 2002/274 (W. 30), amended by S.I. 2002/811 (W.91).

(g) S.R. (NI) 2004 No. 491.

(h) S.R. (NI) 1997 No. 173, amended by S.R. (NI) 1998 No. 393.

(i) S.S.I. 2000/418, amended by S.S.I 2002/531 and S.S.I 2002/39.

(j) S.S.I. 2002/38, amended by S.S.I. 2002/221.

(2) Expressions not defined in paragraph (1) which are used in this Order and which are also used in the Council Regulation have the same meaning in this Order as they have in that Council Regulation.

Individual identification code

3.—(1) A reference in this Order to the “individual identification code” of an animal, other than an animal bearing more than one eartag or tattoo with a number identifying the animal individually, is a reference to the code on—

- (a) the first means of identification attached to the animal in accordance with the Council Regulation; or
- (b) the eartag or tattoo by means of which an animal born on before 9th July 2005 was individually identified in accordance with any of the previous Orders or, in the case of an animal not so identified, the code on the identification tag.

(2) In the case of an animal bearing more than one eartag or tattoo with a number identifying the animal individually, a reference in this Order to the “individual identification code” is—

- (a) in the case of an animal not from Northern Ireland, the eartag or tattoo with the letters “UK” and a number identifying the animal individually or, if the animal is not so marked, the eartag or tattoo most recently applied that identifies the animal individually; or
- (b) in the case of an animal from Northern Ireland, the code applied to the eartag in the animal’s left ear.

The competent authority

4. The Secretary of State is the competent authority for the purposes of the Council Regulation.

Authorisations

5. Any authorisations, approvals or permissions issued under this Order or the Council Regulation shall be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

PART 2

Identification of animals

Identification of animals born after 9th July 2005

6.—(1) Every keeper must comply with Article 4(1)(first paragraph) and Article 4(2)(a) and (b) of the Council Regulation and this article.

(2) For the purposes of Article 4(1) of the Council Regulation, the time limits for identifying an animal are—

- (a) 9 months from the date of birth, in the case of an animal kept in extensive or free range farming conditions; or
- (b) 6 months from the date of birth, in the case of any other animal.

(3) The identification code for the first means of identification for the purposes of Section A.2 of the Annex to the Council Regulation is the following information, printed in the following order—

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the flock or herd of birth; and
- (c) a unique number.

Identification for animals moved from the holding of birth or holding of import within the United Kingdom

7.—(1) Pursuant to Article 4(2)(c) of the Council Regulation, the system to replace the second means of identification, other than for an animal involved in intra-Community trade, is the system in Schedule 1.

- (2) The provisions of Schedule 1 apply in addition to the requirements of—
- (a) Articles 4(1), 4(2)(a), 4(4), 4(5) and 4(6) of the Council Regulation and this Part of this Order;
 - (b) Articles 5(1), 5(3) and 5(5) of the Council Regulation and Part 3 of this Order; and
 - (c) Articles 6(1) and 6(3) of the Council Regulation and Part 4 of this Order.
- (3) Schedule 1 also applies to animals born on or before 9th July 2005.

Identification for animals moved to another member State from the holding of birth or holding of import

8.—(1) In the case of an animal born after 9th July 2005 and involved in intra-Community trade, Schedule 1 does not apply, and the second means of identification specified in Article 4(2)(b) of the Council Regulation is an eartag or electronic transponder conforming to Section A.4 of the Annex to the Council Regulation.

- (2) The second means of identification shall bear—
- (a) 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; or
 - (b) in the case of an eartag only, the letters “UK”, the flockmark or herdmark of the flock or herd of birth or import, a unique number and the letter “X”.

Animals intended for slaughter

9. The identification method referred to in Article 4(3) of the Council Regulation and described in Section A.7 of the Annex to that Regulation shall not be used.

Identification of animals imported from third countries

10.—(1) A keeper must comply with Article 4(4) of the Council Regulation and this article.

(2) For the purposes of Article 4(4) (first paragraph) of the Council Regulation, the period for identifying an animal is 14 days.

(3) The identification code for the first means of identification for the purposes of Section A.2 of the Annex to the Council Regulation for animals imported from third countries is—

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the flock or herd into which the animal is imported;
- (c) a unique number; and
- (d) the letter “F”.

Additional information

11. In accordance with Section A.2 (second paragraph) of the Annex to the Council Regulation, at the keeper’s request—

- (a) a manufacturer of approved eartags may add supplementary information to the eartag; and
- (b) a manufacturer of electronic transponders may add supplementary information to the casing of the transponder,

provided that the supplementary information is distinct from the identification number and provided that the identification number remains legible at all times.

Removal or replacement of means of identification

12.—(1) No person shall remove or replace the original identification of an animal originating in another member State in contravention of Article 4(5) of the Council Regulation.

(2) No person shall contravene or fail to comply with Article 4(6)(first paragraph) of the Council Regulation.

(3) It is a defence for any person charged with contravening or failing to comply with Article 4(5) or 4(6) of the Council Regulation to prove that—

- (a) a means of identification was removed to prevent unnecessary pain or suffering to an animal; and
- (b) a replacement bearing the same code was applied to the animal as soon as possible.

Replacement of the means of identification with a different code

13.—(1) If the first means of identification on a single tagged animal becomes illegible or is lost while the animal is still on the holding of birth or holding of import and the keeper is otherwise unable to ascertain the original code on the identification, he must apply a replacement eartag bearing—

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the flock or herd the animal is in when the eartag is applied;
- (c) a unique number; and
- (d) in the case of an animal imported from a third country, the letter “F”.

(2) If the first means of identification on a single tagged animal is discovered to be illegible or is lost on any holding other than the holding of birth or holding of import and the keeper is otherwise unable to ascertain the original code on the identification, he must replace it with an R tag.

(3) For the purposes of this article, a “single tagged animal” means an animal born after 9th July 2005 which has only a first means of identification in accordance with Article 4(2)(a) of the Council Regulation.

PART 3

Holding registers

Holding register

14.—(1) Any keeper, other than a transporter, who fails to comply with Articles 5(1), 5(3) and 5(5) of the Council Regulation and, in respect of a register, fails to complete and keep that register in accordance with this article, is guilty of an offence against the Animal Health Act 1981(a).

(2) He must enter the following information in the register when an animal is moved on to or from his holding, in addition to the information required by Section B of the Annex to the Council Regulation—

- (a) the number of animals moved; and either
- (b) in the case of an animal identified in accordance with Articles 4(2)(a) and 4(2)(b) of the Council Regulation, the code on the first means of identification and, if it is different, the code on the second means of identification;
- (c) in the case of an animal moved on to the holding from another member State and marked in accordance with Council Directive 92/102/EEC, the code on the eartag applied under that Directive; or
- (d) in the case any other animal, the details required to be entered in the register under Schedule 1.

(3) In addition to paragraph 2, when an animal is moved from one location on a holding to another location on the holding, if those locations are not contiguous, the keeper must enter in the register—

- (a) a description of the locations to and from which the animal is moved;
- (b) the date of the movement; and
- (c) the number of animals moved.

(4) For the purposes of Article 5(3) of the Council Regulation, the register shall be in the form set out in Schedule 2.

(a) 1981 c. 22.

- (5) The keeper must complete the register at the following times—
- (a) in the case of the movement of an animal on to or from his holding, within 36 hours of the movement;
 - (b) in the case of the movement of an animal from one location on his holding to another, within 36 hours of the movement; and
 - (c) in the case of the replacement of an eartag or electronic device, within 36 hours of the replacement.

(6) For the purposes of Article 5(3) of the Council Regulation, the period for which the register shall be available is 6 years from the end of the calendar year in which the last entry was made.

Additional requirements for movements through markets

15.—(1) When animals are moved from a market, the market operator must enter the lot number he allocated to those animals under article 31(1) in the register at the market in addition to the information he is required to enter in that register under the Council Regulation and article 14.

(2) When animals are moved on to a holding from a market, the keeper at that holding must enter the lot number allocated by the market to those animals in his register in addition to the information he is required to enter in that register under the Council Regulation and article 14.

Additional requirements for movements to slaughterhouses

16. In addition to the requirements of article 14, when an animal is moved from a holding to a slaughterhouse, the keeper at that holding must enter the address of the slaughterhouse in his register, in addition to the name of the slaughterhouse as required by Section B.1 (sixth indent) of the Annex to the Council Regulation.

PART 4

Movement documents

Movement document

17.—(1) A keeper must comply with Article 6(1) of the Council Regulation and complete the movement document in accordance with this article.

(2) Any keeper who fails to comply with Article 6(3) of the Council Regulation is guilty of an offence against the Animal Health Act 1981(a).

- (3) Subject to paragraph (4), the movement document must—
- (a) be in the form set out in Schedule 3;
 - (b) be completed in full by the appropriate keeper as specified in that form; and
 - (c) in addition to containing the information required by Section C of the Annex to the Council Regulation, be completed by the keeper with the information in Schedule 3, including—
 - (i) in the case of an animal identified in accordance with Articles 4(2)(a) and 4(2)(b) of the Council Regulation, the code on the first means of identification and, if it is different, the code on the second means of identification; or
 - (ii) in the case of any other animal, the details required to be entered in the movement document under Schedule 1.

(4) A market operator may complete an electronically generated movement document in a form other than that set out in Schedule 3, provided that it—

- (a) contains the information in Section C of the Annex to the Council Regulation and paragraph (3)(c)(i) or (3)(c)(ii) of this article; and
- (b) is printed and signed by the market operator.

(5) For the purposes of Article 6(3) of the Council Regulation, the minimum period for which the keeper at the holding of destination must keep the movement document is 3 years from the date of the movement of an animal on to his holding.

(a) 1981 c. 22.

Additional requirements for movements from markets

18. When animals are moved from a market, the market operator must enter the lot number he allocated to those animals under article 31(1) in the movement document in addition to the information he is required to enter in that movement document under the Council Regulation and article 17.

Supply of movement document

19.—(1) In the case of an animal moved to another holding—

- (a) upon the animal's arrival at that other holding, the transporter must give the movement document to the keeper at that holding; and
- (b) the keeper at that holding must send a copy of the movement document to the local authority within 3 days of the animal arriving at the holding.

(2) In the case of an animal moved from a holding for consignment outside the United Kingdom, the keeper at that holding must send a copy of the movement document to the local authority within 3 days of the animal leaving the holding.

PART 5

Central database

Inventory of animals

20. For the purposes of Article 7(2) of the Council Regulation, a keeper who keeps animals permanently must, before 1st February each year, make an inventory of the number of animals on his holding as at the 1st January that year.

Supply of information

21.—(1) Subject to paragraph (2), any keeper who fails to comply with Article 8(2) of the Council Regulation is guilty of an offence against the Animal Health Act 1981.

(2) Paragraph (1) shall not apply in respect of information that was provided to the Secretary of State in accordance with article 3 of the Sheep and Goats Identification and Movement (Interim Measures) (England) (No. 2) Order 2002(a).

(3) The keeper must notify the Secretary of State in writing of any change in the information specified in Article 8(2) of the Council Regulation within thirty days of such change.

(4) On receiving notification under Article 8(2) of the Council Regulation that a person has become the keeper on a holding, the Secretary of State shall, subject to paragraph (5), allocate a flockmark in respect of each flock of sheep on the holding and a herdmark in respect of each herd of goats on the holding.

(5) Where the holding is a slaughterhouse or a market, the Secretary of State shall allocate a flockmark or herdmark only where she deems it appropriate to do so.

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.

(a) S.I. 2002/2153.

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.

PART 7

Markets

Markets

31.—(1) A market operator must ensure that all animals are divided into lots of one or more animals immediately upon their arrival at the market and that a lot number is allocated to each lot.

(2) No person shall buy an animal at a market unless he buys all the other animals in the lot to which that animal belongs and moves the entire lot from the market to the same holding.

(3) No person shall sell an animal at a market unless he also sells all the other animals in the lot to the same buyer.

PART 8

Animals brought into England

Receipt of animals from another member State

32. No person shall receive an animal from another member State unless it is identified in accordance with—

- (a) the Council Regulation, in the case of an animal born after 9th July 2005; or
- (b) Council Directive 92/102/EEC, in the case of an animal born on or before 9th July 2005.

Receipt of animals from Scotland, Wales or Northern Ireland

33. No person shall receive an animal from Scotland, Wales or Northern Ireland unless it is identified, tagged and accompanied by a movement document in accordance with—

- (a) in the case of an animal born after 9th July 2005, the Council Regulation, including any derogation exercised under the Council Regulation; or
- (b) in the case of an animal born on or before 9th July 2005, any of the previous Orders and any additional requirements imposed in legislation enforcing the Council Regulation.

Movements within England

34.—(1) Schedule 1 applies to the movement of a single tagged animal brought into England from Scotland, Wales or Northern Ireland.

(2) For the purposes of this article, a “single tagged animal” is an animal born after 9th July 2005 and identified in Scotland, Wales or Northern Ireland with only the first means of identification in accordance with Article 4(2)(a) of the Council Regulation and any provisions that give effect to that Article in Scotland, Wales or Northern Ireland.

PART 9

Miscellaneous

Enforcement

35.—(1) This Order shall be enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description or a particular case, that any duty imposed on a local authority under paragraph (1) shall be discharged by the Secretary of State and not by the local authority.

Amendments to the Disease Control (England) Order 2003

36.—(1) The Disease Control (England) Order 2003(a) shall be amended in accordance with paragraphs (2) to (4).

- (2) Article 9 shall be deleted.
- (3) In paragraph 12 of Schedule 1, sub-paragraph (2)(c) shall be deleted.
- (4) In Schedule 2—
 - (a) paragraph 6(2)(c) shall be deleted;
 - (b) paragraph 7(2)(b) shall be deleted; and
 - (c) paragraph 8(2)(a) shall be deleted.

Revocations and transitional provisions

37.—(1) Subject to paragraphs (2) and (3), the following are revoked—

- (a) the Sheep and Goats Identification and Movement (Interim Measures) (England) (No. 2) Order 2002(b);
- (b) the Sheep and Goats Identification and Movement (Interim Measures) (England) (No. 2) (Amendment) Order 2003(c);
- (c) the Sheep and Goats Identification and Movement (Interim Measures) (England) (No. 2) (Amendment No. 2) Order 2003(d);
- (d) the Sheep and Goats Identification and Movement (Interim Measures) (England) (No. 2) (Amendment No. 3) Order 2003(e).

(2) The provisions of the Sheep and Goats Identification and Movement (Interim Measures) (England) (No. 2) Order 2002 relating to the marking of animals on the holding of birth shall continue to apply to any animal born on or before 9th July 2005.

(3) The provisions of the Sheep and Goats Identification and Movement (Interim Measures) (England) (No. 2) Order 2002 relating to the marking of animals imported on to a holding from outside the European Union shall continue to apply to any animal imported from outside the European Union on or before 9th July 2005.

6th November 2005

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) S.I. 2003/1729.
(b) S.I. 2002/2153.
(c) S.I. 2003/29.
(d) S.I. 2003/502.
(e) S.I. 2003/1728.

SYSTEM COMPLYING WITH SECTION A.5 OF THE ANNEX TO THE
COUNCIL REGULATION

PART 1

*General tracing requirements for movements of animals in England***Register and movement document for animals leaving the holding of birth or import**

1.—(1) When an animal is moved from the holding of birth or holding of import to another holding in the United Kingdom, the keeper must enter the letters “UK” and the flockmark or herdmark of the flock or herd of birth or import in his register and in the movement document.

(2) When the animal is moved on to a holding from its holding of birth or holding of import, the keeper at the recipient holding must enter the letters “UK” and the flockmark or herdmark of its flock or herd of birth or import in his register.

Movement tags

2.—(1) When an animal is moved from a holding (other than the holding of birth or holding of import) to another holding in the United Kingdom, the keeper must attach a movement tag to it and enter the movement tag code in his register and in the movement document.

(2) When an animal marked with a movement tag in accordance with sub-paragraph (1) is moved on to another holding, the keeper at the recipient holding must enter the movement tag code in his register.

(3) If an animal is already marked with 3 eartags applied 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,

the keeper must not attach a movement tag to the animal but must instead comply with paragraph 3.

(4) If an animal marked with an eartag applied under this Order, the Council Regulation or any of the previous Orders relating to a flock or herd, is moved back into that flock or herd, the keeper must not attach a movement tag to it when it is moved again from the holding where that flock or herd is kept but instead enter in the register and in the movement document the number on the eartag relating to that flock or herd.

Alternative tracing system for animals

3.—(1) When an animal is moved from a holding to another holding in the United Kingdom, the keeper may enter the individual identification code of the animal in the register at that holding and in the movement document as an alternative to attaching a movement tag.

(2) In this case, when an animal is moved on to a holding, the keeper at the recipient holding must enter the individual identification code of the animal in his register.

PART 2

*Special requirements for specific movements***Special cases**

4. This Part has effect instead of the provisions of Part 1 in respect of the movements referred to in paragraphs 5 to 17.

Identification tags

5.—(1) When an unidentified animal is first moved from the holding on which it resides at the date this Order comes into force, the keeper must attach an eartag to it with the following code, printed in the following order—

- (a) the letter “S” or the letters “UK”, if the holding on which the animal resides is the holding of birth or holding of import, or the letter “S”, if it is any other holding;
- (b) the flockmark or herdmark of the flock or herd the animal is leaving;
- (c) a unique number; and
- (d) in the case of an animal imported from a third country, the letter “F”.

(2) All references in this Part to the movement of an animal from the holding of identification shall be construed as references to the movement of an unidentified animal for the first time from the holding on which it resides at the date this Order comes into force in accordance with this paragraph.

(3) For the purposes of this paragraph, “unidentified animal” means an animal born on or before 9th July 2005 that is not marked with an eartag or tattoo applied under any of the previous Orders that identifies it individually.

Movement from the holding of identification

6.—(1) The following provisions apply, in addition to the requirements of paragraph 5, when an animal is moved from the holding of identification.

(2) When an animal is moved from the holding of identification to a show or exhibition, the register and movement document requirements of paragraph 7 shall apply.

(3) When an animal is consigned from the holding of identification to another member State, the keeper must—

- (a) 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; or
- (b) attach an X tag to the animal, cross-refer the X tag code to the identification tag code in his register and enter the X tag code in the movement document.

(4) When an animal is moved from the holding of identification to common land or to another holding for the purposes of dipping or shearing and returned directly to the holding of identification, paragraph 9 shall apply.

(5) When an animal is moved from the holding of identification to temporary grazing and returned directly to the holding of identification, paragraph 10 shall apply.

(6) When an animal is moved from the holding of identification to any other holding, the keeper must enter the information referred to in paragraph 5(1)(a) and 5(1)(b) and in his register and in the movement document and the keeper at the recipient holding must enter the same information in his register when he receives the animal.

Movements to and from shows and exhibitions

7.—(1) When an animal is moved from any holding to a show or exhibition in the United Kingdom, the keeper must enter the individual identification code of that animal in his register and in the movement document.

(2) When the animal arrives at the show or exhibition, the show or exhibition organiser must enter its individual identification code in his register.

(3) When the animal leaves the show or exhibition, the show or exhibition organiser must enter its individual identification code in his register and in the movement document.

(4) When the animal arrives at a holding from the show or exhibition, the keeper at the recipient holding must enter its individual identification code in his register.

Movements from a market to another holding

8.—(1) When an animal is moved from a market, other than to a show or exhibition, the market operator must enter the following information in the register at the market and in the movement document—

- (a) the letters “UK” and the flockmark or herdmark of the flock or herd of birth or import, in the case of an animal sent to the market from the holding of birth or holding of import;
- (b) the letters “UK” or the letter “S”, as applied to the identification tag, and the flockmark or herdmark of the flock or herd from which the animal was sent to the market, in the case of an animal sent to the market from the holding of identification; or
- (c) the code on the movement tag attached to the animal by the keeper who sent it to the market or the individual identification code of the animal if that keeper entered its individual identification code, instead of attaching a movement tag, in the case of an animal sent to the market from any other holding.

(2) When an animal arrives at a holding from a market, the keeper at the recipient holding must enter the information referred to in sub-paragraph (1) in his register.

(3) When an animal is moved from a market to a show or exhibition, paragraph 7 shall apply.

Movements to and from common land, or for dipping or shearing

- 9.—(1) This paragraph applies to the movement of an animal from a holding—
- (a) to common land; or
 - (b) for the purposes of dipping or shearing, other than to a show for a shearing trial, and returned directly to the original holding.
- (2) In the case of an animal moved from the holding of birth or holding of import to common land or for dipping or shearing, the keeper must enter the letters “UK” and the flockmark or herdmark of the flock or herd of birth or import in—
- (a) his register when the animal leaves the holding and when it returns;
 - (b) the movement document that accompanies the animal when it leaves that holding; and
 - (c) the movement document that accompanies the animal when it returns to that holding.
- (3) In the case of an animal moved to common land or for dipping or shearing from the holding of identification, the keeper must enter the information in paragraphs 5(1)(a) and 5(1)(b) in—
- (a) his register when the animal leaves the holding and when it returns;
 - (b) the movement document that accompanies the animal when it leaves the holding of identification; and
 - (c) the movement document that accompanies the animal when it returns to the holding of identification.
- (4) Subject to sub-paragraph (5), in the case of an animal moved from any other holding to common land or for dipping or shearing, the keeper must—
- (a) attach a movement tag to the animal when it leaves the holding;
 - (b) enter the movement tag code in his register when the animal leaves the holding and when it returns;
 - (c) enter the movement tag code in the movement document that accompanies the animal when it leaves the holding; and
 - (d) enter the movement tag code in the movement document that accompanies the animal when it returns from common land or dipping or shearing to the original holding.
- (5) The keeper need not attach a movement tag to an animal in accordance with sub-paragraph (4), provided that he enters the individual identification code of the animal in his register and in the movement documents, instead of the movement tag code.
- (6) For the purposes of this paragraph—
- (a) “common land” means land over which the keeper has a registered right of common;
 - (b) “registered right of common” means a right of common registered under the Commons Registration Act 1965(a) or a right of common which is exempt from such registration but which is registered, designated, attached, or otherwise recognised, continued or preserved under and in accordance with any of the New Forest Acts 1854, 1949, 1964 and 1970(b), the Epping Forest Acts 1878 and 1880(c) or the City of London (Various Powers) Act 1977(d) or any like right or permission exercised in the Forest of Dean.

Movements between temporary grazing and the holding of birth, import or identification

- 10.—(1) When a keeper moves an animal from the holding of birth or the holding of import to temporary grazing and returns that animal from temporary grazing directly to the holding of birth or import, he must enter the letters “UK” and the flockmark or herdmark of the flock or herd of birth or import in—
- (a) his register when the animal leaves the holding of birth or holding of import and when it returns;
 - (b) the movement document that accompanies the animal when it moves to temporary grazing; and
 - (c) in the movement document that accompanies the animal when it returns from temporary grazing to the holding of birth or holding of import, unless the animal is tended by a different keeper at temporary grazing, in which case that keeper must complete the movement document in accordance with sub-paragraph (3)(b).
- (2) In the case of an animal that is moved to temporary grazing from the holding of identification, the keeper must enter the letter “S” or the letters “UK”, as applied to the identification tag, and the flockmark or herdmark of the flock or herd the animal is leaving to go to temporary grazing, instead of the information in sub-paragraph (1).

(a) 1965 c. 64.

(b) 1854 c. 49 (17 & 18 Vict.); 1949 c. 69, 1964 c. 83 and 1970 c. 21.

(c) 1878 c. ccxiii (41 & 42 Vict.) and 1880 c. cxxx (43 & 44 Vict.).

(d) 1977 c. xv.

(3) In addition to the requirements of sub-paragraphs (1) and (2), if the animal is tended by a different keeper at temporary grazing, that keeper must—

- (a) enter the letters “UK” and the flockmark or herdmark of the flock or herd of the animal’s birth or import in his register when the animal arrives there and when it leaves, or in the case of an animal sent to temporary grazing from the holding of identification, enter the information in sub-paragraph (2) in his register; and
- (b) complete the movement document with this information when the animal leaves temporary grazing to return to the holding of birth or holding of import.

Movements between temporary grazing and any other holding

11.—(1) Subject to sub-paragraph (2), when a keeper moves an animal from any holding (other than the holding of birth, holding of import or holding of identification) to temporary grazing and returns that animal from temporary grazing directly to the holding, he must—

- (a) attach a movement tag to that animal when it leaves the holding;
- (b) enter the movement tag code in his register when the animal leaves and when it returns;
- (c) enter the movement tag code in the movement document that accompanies the animal when it leaves the holding; and
- (d) enter the movement tag code in the movement document that accompanies the animal when it returns from temporary grazing to the holding, unless the animal is tended by a different keeper at temporary grazing, in which case that keeper must complete the movement document in accordance with sub-paragraph 3(b).

(2) The keeper need not attach a movement tag to an animal in accordance with sub-paragraph (1)(a), provided that he enters the individual identification code of the animal in the register and in the movement documents instead of the movement tag code.

(3) In addition to the requirements of sub-paragraphs (1) and (2), if the animal is tended by a different keeper at temporary grazing, that keeper must—

- (a) enter in his register the movement tag code attached by the keeper who sent the animal to temporary grazing when the animal arrives and when it leaves, or, the individual identification code, if the keeper who sent the animal entered this code in his register instead of attaching a movement tag; and
- (b) complete the movement document with the same information when the animal leaves temporary grazing to return to the original holding.

Movements to and from a veterinary clinic

12. When an animal is—

- (a) moved from a holding to a veterinary clinic; and
- (b) returned directly to that holding from the veterinary clinic,

the keeper must complete his register with the information required by Article 5 of the Council Regulation when the animal leaves the holding and also when it arrives back at the holding.

Movement of a ram intended for breeding

13.—(1) When, in accordance with the Disease Control (England) Order 2003, premises are under movement restrictions, and a ram is moved from those premises to a market during the standstill period under the exemption in paragraph 12 of Schedule 1 to that Order, the keeper at those premises must enter the individual identification code of that ram in his register and in the movement document.

(2) When the ram arrives at the market, the market operator must enter its individual identification code in his register.

(3) When the ram is moved from the market, the market operator must enter its individual identification code in his register and in the movement document.

(4) When the ram arrives at the premises to which it has been consigned from the market, the keeper at those premises must enter the individual identification number of the ram in his register when the ram arrives at those premises.

(5) If the ram is returned to the original premises from the market in accordance with the provisions of paragraph 6 of Schedule 2 to the Disease Control (England) Order 2003, the keeper at the original premises must enter the ram’s individual identification code in his register.

Arrival of a ram on a premises for breeding

14. When a ram is moved on to premises for the purposes of breeding in accordance with the exemption in paragraph 7 of Schedule 2 to the Disease Control (England) Order 2003, the keeper at those premises must enter the ram’s individual identification code in his register.

Movement of a goat intended for breeding

15. When a goat is sent from one premises to another for breeding, and has been held in isolation on the premises of departure in accordance with paragraph 8 of Schedule 2 to the Disease Control (England) Order 2003 in order to avoid triggering a standstill on the premises of arrival—

- (a) the keeper at the premises of departure must enter the individual identification code of the goat in his register and the movement document when the goat leaves the premises;
- (b) the keeper at the premises of arrival must enter the individual identification code of the goat in his register;
- (c) when the goat returns to the original premises, the keeper at the premises where the animal was sent for breeding must enter the individual identification code in his register and the movement document; and
- (d) when the animal returns to the original premises the keeper at those premises must enter the individual identification code in his register.

Movements to another member State through an assembly centre

16.—(1) This paragraph applies to the consignment of an animal for intra-Community trade through an assembly centre.

(2) If an animal is consigned to a holding with the intention of forwarding it to an assembly centre for the purposes of intra-Community trade, the keeper at that holding must enter the individual identification code of the animal in his register.

(3) When the animal leaves the holding to go to the assembly centre, the keeper must enter the individual identification number of the animal in his register and in the movement document.

(4) When the animal arrives at the assembly centre, the keeper at the assembly centre must enter the individual identification code of the animal in his register.

(5) Subject to sub-paragraph (6), when the animal is moved from the assembly centre for direct consignment to another member State, the keeper at the assembly centre must—

- (a) attach a second eartag or an electronic transponder to the animal bearing its individual identification code; and
- (b) enter the individual identification code in his register and in the movement document.

(6) Sub-paragraph (5) does not apply if the keeper—

- (a) attaches an X tag to the animal before it leaves the assembly centre;
- (b) cross-refers in his register the X tag code with the individual identification code of the animal; and
- (c) enters the X tag code in the movement document.

(7) Electronic transponders attached or applied to an animal under this paragraph must conform to the requirements of Section A.4 of the Annex to the Council Regulation.

Movements to another member State (other than through an assembly centre)

17.—(1) This paragraph applies to the consignment of an animal to another member State other than through an assembly centre.

(2) If an animal is consigned to a holding, other than an assembly centre, with the intention of consigning it to another member State, the keeper at that holding must enter the individual identification code of the animal in his register.

(3) Subject to sub-paragraph (4), when the animal is moved from that holding directly to another member State, the keeper must—

- (a) attach a second eartag or electronic transponder to the animal bearing its individual identification code; and
- (b) enter the individual identification code in his register and in the movement document.

(4) Sub-paragraph (3) does not apply if the keeper—

- (a) attaches an X tag to the animal before it leaves the assembly centre;
- (b) cross-refers in his register the X tag code with the individual identification code of the animal; and
- (c) enters the X tag code in the movement document.

(5) Electronic transponders attached or applied to an animal under this paragraph must conform to the requirements of Section A.4 of the Annex to the Council Regulation.

PART 3

Animals from Scotland, Wales or Northern Ireland

Animals from Scotland or Wales

18. When an animal is brought into England from a holding in Scotland or Wales, the keeper at the holding of destination in England must enter the same information in his register as if the animal had been brought from a holding in England and for these purposes—

- (a) “flockmark” and “herdmark” shall be construed as a flockmark or herdmark allocated in Scotland or Wales by the competent authority; and
- (b) “movement tag” shall be construed as the movement tag approved in Scotland and Wales by the competent authority and bearing the code specified by the competent authority.

Animals from Northern Ireland

19. When an animal is brought into England from a holding in Northern Ireland, the keeper at the holding of destination in England must enter in his register the characters on the eartag applied to the animal’s left ear, other than the unique number.

Register for Calendar Year 20XX

[1st January.]	Total Number of Sheep/Goats: (delete as appropriate)			Date Entered:			(must be before 31 January each year)		
1. Date	2. Number of sheep/goats moved	3. Relevant code or flock/heard mark	4. Transporter's name and vehicle registration number	5. CPH number of holding of Departure <i>(Address)</i>	6. CPH number or address of destination holding	7. If moved from a market, lot number	8. If sold without leaving holding, name and address of new owner	9. Number of sheep/goats: Born/Lost/Died	10. Running total

Bold = Compulsory
Italics = Optional

Result of annual inventory:

Total

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the administration and enforcement in England of Council Regulation (EC) No. 21/2004 (establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC).

Part 2 of the Order deals with the identification of animals. It requires the application of two means of identification to an animal born or imported after 9th July 2005 and involved in intra-Community trade (articles 6, 8 and 10). It provides for animals that are not involved in intra-Community trade to be marked with an eartag at the holding of birth or import (articles 6 and 10) and for the national system of identification and tracing to operate when an animal is moved within the United Kingdom (article 7).

The national system is approved by the Commission in accordance with Article 4(2)(d) of the Council Regulation (Commission Decision of 17/8/2005 temporarily recognising the systems for identification and registration of ovine and caprine animals in Great Britain and Northern Ireland, the United Kingdom, according to Article 4(2)(d) of Council Regulation (EC) No. 21/2004(a)) and is set out in Schedule 1. Schedule 1 also applies to animals born on or before 9th July 2005 (article 7).

Schedule 1, Part 1 requires flock or herd details to be entered in the register and movement document when an animal is moved from its holding of birth or import. It also provides for a movement tag to be attached to an animal before it is moved from a holding and for the movement tag code to be entered in the register and movement document. Paragraph 3 provides, alternatively, that the animal's individual identification code is to be entered in the register and movement document.

Schedule 1, Part 2 sets out the specific requirements that apply instead of the requirements of Part 1, for certain movements of animals. Paragraph 5 provides for an animal born on or before 9th July 2005 to be individually identified before it is moved, if it has not already been individually identified under previous legislation. Part 2 also covers the movement of animals to and from shows and exhibitions (paragraph 7), from markets (paragraph 8), to and from common land and for dipping or shearing (paragraph 9), to and from temporary grazing (paragraphs 10 and 11), to and from veterinary clinics (paragraph 12). It also covers movements of rams and goats intended for breeding (paragraphs 13, 14 and 15), and movements of animals to another member State (paragraphs 16 and 17).

Articles 12 and 13 set out the provisions that apply when an animal loses a means of identification applied in accordance with the Council Regulation.

Part 3 makes provision for the enforcement of Article 5 of the Council Regulation (the requirement for every keeper to keep an up-to-date register) and sets out the information that must be entered in the register (article 14), including the additional information that must be entered when an animal moves through a market or to a slaughterhouse (articles 15 and 16).

Part 4 makes provision for the enforcement of Article 6 of the Council Regulation (the requirement for a movement document to accompany an animal whenever it moves between holdings) and sets out the information that must be entered in the movement document (article 17), including the additional information that must be entered by market operators (article 18). Article 19 provides that a copy of the movement document must be sent to the local authority.

Part 5 provides for the enforcement of Article 8 of the Council Regulation (the requirement for a keeper to supply details to the Secretary of State about his holding) (articles 20 and 21).

Part 6 deals with eartags. Article 22 provides that the Secretary of State will approve eartags. Articles 23 to 25 prohibit the removal of eartags or tattoos and also provide for the replacement of eartags and tattoos that are removed, lost or illegible. Article 26 prohibits the alteration, obliteration or defacing of an eartag, tattoo or electronic device. Article 27 prohibits the use of red eartags, other than R tags, and article 28 prohibits the use of a flockmark or herdmark, other than for the purposes of complying with this Order or the Council Regulation. Article 29 prohibits the consignment of an animal for intra-Community trade or export if it bears a

(a) OJ No. L 214, 19.8.2005 p. 63.

replacement eartag or tattoo with the letter “R”. Article 30 provides defences to failing to apply an eartag to an animal and for moving an animal from a holding without applying the required eartag.

Part 7 provides for the allocation of lot numbers to animals at a market and prohibits the buying or selling of animals unless all animals in the lot are bought or sold.

Part 8 creates offences for receiving animals into England from another member State or another part of the United Kingdom if they are not properly identified and accompanied by a movement document.

The Order is enforced by the local authority (article 35).

Breach of the Order is an offence under section 73 of the Animal Health Act 1981, punishable in accordance with section 75 of that Act.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from Terry Gurnhill, Department for Environment, Food and Rural Affairs, 1A Page Street, London SW1P 4PQ.

£4.00

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