
WELSH STATUTORY INSTRUMENTS

2008 No. 130 (W.17)

ANIMALS, WALES

ANIMAL HEALTH

**The Sheep and Goats (Records, Identification
and Movement) (Wales) Order 2008**

Made - - - - 21 January 2008

Coming into force - - 22 January 2008

The Welsh Ministers make the following Order in exercise of powers conferred by sections 1, 8(1), and 83(2) of the Animal Health Act 1981(1) and now vested in them(2).

PART 1

Introduction

Title, application and commencement

1. The title of this Order is the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2008, it applies in relation to Wales and comes into force on 22 January 2008.

Interpretation

2.—(1) In this Order—

“animal” (“*anifail*”) means any animal of the ovine or caprine species;

“assembly centre” (“*canolfan ymgynnull*”) means any holding, collection centre or market at which sheep or goats originating from different holdings are grouped together to form consignments of animals intended for export or which is used in the course of export;

“column 1 of section 2 of the register” (“*colofn 1 o adran 2 o'r gofrestr*”) means the column headed “Date of replacement tag being applied” within the Replacement Tag Record (R tag only) in Schedule 2.

(1) 1981. c.22 to which there are amendments not relevant to this Order.

(2) See section 86(1) for a definition of “the Ministers”. The functions of “the Ministers” insofar as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by virtue of S.I. 1999/672 and S.I. 2004/3044. Functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of paragraph 30 of and Schedule 11 to the Government of Wales Act 2006.

“column 2 of section 2 of the register” (“*colofn 2 o adran 2 o'r gofrestr*”) means the column headed “Replacement (R) tag number” within the Replacement Tag Record (R tag only) in Schedule 2;

“column 3 of section 2 of the register” (“*colofn 3 o adran 2 o'r gofrestr*”) means the column headed “Letters and Previous Flock or Herd Number (if known)” within the Replacement Tag Record (R tag only) in Schedule 2;

“Council Directive 92/102/EEC” (“*Cyfarwyddeb y Cyngor 92/102/EEC*”) means Council Directive 92/102/EEC on the identification and registration of animals⁽³⁾;

“the Council Regulation” (“*Rheoliad y Cyngor*”) 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⁽⁴⁾;

“CPH” (“*CPH*”) in the forms in Schedules 1 and 2, means the county parish holding number assigned to any premises of part of any premises by the Welsh Ministers;

“export” (“*allforio*”) means sending to another member State or a third country;

“flockmark” (“*nod y ddiadell*”) means the number allocated by the Welsh Ministers in respect of a flock of sheep on a holding;

“herdmark” (“*nod yr eifre*”) means the number allocated by the Welsh Ministers in respect of a herd of goats on a holding;

“holding” (“*daliad*”) has the meaning given in Article 2 of the Council Regulation;

“holding of origin” (“*y daliad tarddu*”) means the holding on which an animal was present immediately before moving to an assembly centre or, where an animal is consigned for export other than through an assembly centre, the holding on which an animal is present immediately prior to export;

“identification code” (“*cod adnabod*”) means the code set out on a means of identification as required under this Order;

“identification mark” (“*marc adnabod*”) means a method of identification applied in another member State, a means of identification or an older means of identification;

“identification tag” (“*tag adnabod*”) means an eartag approved by the Welsh Ministers in accordance with article 11 bearing the information set out in sub-paragraphs (a) to (c) of article 5(5);

“inspector” (“*arolygydd*”) means a person appointed to be an inspector for the purposes of this Order by the Welsh Ministers or a local authority;

“keeper” (“*ceidwad*”) has the meaning given in Article 2 of the Council Regulation

“local authority” (“*awdurdod lleol*”) means in relation to an area the county council or county borough council for that area;

“market operator” (“*gweithredydd marchnad*”) means a person responsible for managing the reception or the sale of animals in a market or a duly authorised representative of such a person;

“means of identification” (“*modd adnabod*”) means an identification tag or an identification tattoo;

“method of identification” (“*dull adnabod*”) means an eartag or tattoo applied in another member State or a third country;

“movement document” (“*dogfen symud*”) means the movement document required by Article 6 of the Council Regulation;

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

(4) OJ No. L 5, 9.1.04, p. 8 to which there are amendments not relevant to this Order.

“older means of identification” (“*modd hyn o adnabod*”) means an eartag or tattoo applied under the previous Orders;

“the previous Orders” (“*y Gorchmynion blaenorol*”) means—

- (a) the Sheep and Goats (Records, Identification and Movement) (England) Order 2005(5);
- (b) the Sheep and Goats Identification and Movement (Interim Measures) (England) (No.2) Order 2002(6);
- (c) the Sheep and Goats Identification and Movement (Interim Measures) (England) Order 2002(7);
- (d) the Sheep and Goats Identification (England) Order 2000(8);
- (e) the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006(9);
- (f) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) (No.2) Order 2002(10);
- (g) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002(11);
- (h) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Regulations 2002(12);
- (i) the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2005(13);
- (j) Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004(14);
- (k) Identification and Movement of Sheep and Goats Order (Northern Ireland) 1997(15);
- (l) the Sheep and Goats (Identification and Traceability) (Scotland) Regulations 2006(16);
- (m) the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002(17); or
- (n) the Sheep and Goats Identification (Scotland) Regulations 2000(18);

“register” (“*cofrestr*”) means the register required by Article 5 of the Council Regulation and in the form set out in Schedule 1;

“replacement means of identification” (“*modd adnabod o'r newydd*”) means a replacement tag or replacement tattoo;

“replacement tag” (“*tag cyfnewid*”) means a red eartag approved by the Welsh Ministers in accordance with article 11 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 identification tag is applied;
- (c) a unique number; and

(5) S.I. 2005/3100, amended by S.I. 2006/2987.

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

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

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

(9) S.I. 2006/1036 (W. 106) amended by S.I. 2006/2926 (W. 261).

(10) 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).

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

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

(13) S.R. 2005/535 (NI) amended by S.R. (NI) 2006/508.

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

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

(16) S.S.I 2006/73 amended by S.S.I 2006/594.

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

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

(d) the letter “R”;

“replacement tattoo” (“*tatw cyfnewid*”) means a tattoo 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 tattoo is applied;

(c) a unique number; and

(d) the letter “R”;

“slaughterhouse operator” (“*gweithredydd lladd-dy*”) means a person carrying on the business of a slaughterhouse or the duly authorised representative of such a person;

“unique number” (“*Rhif unigryw*”) means a number that is unique to an animal in a flock or herd and contains no more than 6 digits.

(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 Regulation.

Competent authority

3. The Welsh Ministers are the competent authority for the purposes of the Council Regulation.

Authorisations

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

PART 2

Identification of animals

Identification of animals not identified before 22 January 2008

5.—(1) This article applies to—

(a) animals born before 22 January 2008 which are not identified before that date and are on their holding of birth; and

(b) animals born on or after 22 January 2008.

(2) A keeper must comply with Article 4(1) (first paragraph) and Article 4(2)(a) and (b) of the Council Regulation and this article unless the alternative method of identification set out in article 6 is authorised.

(3) For the purpose 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.

(4) An eartag applied as the first or second means of identification may be any colour other than red.

(5) The identification code on a means of identification for the purposes of Section A.2 of the Annex to the Council Regulation must be—

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

and must be identical on the first and second means of identification.

Identification of animals intended for slaughter

6.—(1) For animals intended for slaughter before the age of 12 months and not intended for export, the identification method in Section A.7 of the Annex to the Council Regulation is authorised as an alternative to the means of identification referred to in Article 4(2) of that Regulation.

(2) The identification code for the purposes of Section A.7 of the Annex to the Council Regulation must be the same as that set out in sub-paragraphs (a) to (c) of article 5(5).

(3) Any animal identified by the means of identification referred to in paragraph (1) (“the first identification tag”), must be identified with a second means of identification in accordance with paragraphs (4) to (6) if it —

- (a) is not slaughtered before the age of 12 months; or
- (b) is consigned for export.

(4) The second means of identification must be either—

- (a) an additional identification tag or, unless the animal is destined for export, a tattoo, with the same identification code as on the first identification tag; or
- (b) two additional identification tags or, unless the animal is destined for export, an identification tag and a tattoo which bear—
 - (i) the letters “UK”;
 - (ii) the flockmark or herdmark of the flock or herd where the additional means of identification are applied; and
 - (iii) a unique number.

(5) Where two additional means of identification are applied the keeper—

- (a) must not remove or deface the first identification tag;
- (b) must record information about the addition of the new means of identification including the full identification code on the additional means of identification and the letters and flockmark or herdmark on the original means of identification in columns 1, 2 and 3 of the register.

(6) In the case of animals consigned for export the keeper must apply the second means of identification before the animal leaves the holding of origin.

Identification of animals identified before 22 January 2008

7.—(1) This article applies to animals identified before 22 January 2008.

(2) Only the first means of identification, as set out in Article 4(2)(a) of the Council Regulation, is required for animals identified with a unique number before 22 January 2008.

(3) In the case of animals identified before 22 January 2008, but where the existing identification mark does not contain a unique number, a keeper must re-identify those animals before moving them from a holding so that they bear two means of identification which —

- (a) in the case of an animal which is on its holding of birth, must be in accordance with the provisions in Article 4 (2)(a) and (b) of the Council Regulation; or

- (b) in the case of an animal which is not on its holding of birth, must be two replacement tags, in which case the keeper must record information about the addition of the new means of identification including in full the identification code on the replacement tags and the letters and flockmark or herdmark on the previous means of identification in columns 1, 2 and 3 of the register.

Identification of animals not identified before 22 January 2008 which are not on their holding of birth

8. The keeper must identify animals not identified before 22 January 2008 which are no longer on their holding of birth with two replacement tags before the animals leave a holding.

Identification of animals for export

9.—(1) A keeper must identify all animals for export by the first and second means of identification as set out in Article 4(2)(a) and (b) of the Council Regulation or article 6(4)(b), except the second means of identification must be an identification tag and not a tattoo.

(2) No person may consign an animal for export where it has been—

- (a) tagged in accordance with article 8;
- (b) re-tagged in accordance with article 7(3)(b), 18(3)(a), 18(4)(a) 19(5)(a) or 19(6)(a); or
- (c) re-tagged in accordance with article 17(4) and as a consequence is identified by two replacement means of identification.

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 means of identification for animals imported from a third country must be the same as that set out in Article 4(2)(a) and (b) of the Council Regulation and the identification code for the purposes of Section A.2 of the Annex 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.

(4) Where an animal is imported from a third country and re-identified according to this article, the keeper must record the addition of the new means of identification including the full identification code on the new means of identification and the full identification code on the method of identification applied in the third country in columns 1, 2 and 3 of the register.

PART 3

Identification tags

Approval of identification tags

11. The Welsh Ministers must approve eartags for the purposes of this Order.

Additional tags and tags with additional information

12.—(1) At the request of a keeper, a manufacturer of identification tags may add supplementary information to an identification tag or replacement tag provided that—

- (a) the supplementary information is distinct from the identification code; and
- (b) the identification code remains legible and clearly distinguishable at all times.

(2) A keeper may apply an additional tag to an animal but it must not contain the letters “UK” or bear a flockmark or herdmark, unless authorised by the Welsh Ministers.

Red eartags

13. No person may attach a red eartag to any animal, other than a replacement tag.

PART 4

Removal or replacement of identification marks

Removal or replacement of identification marks

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

(2) No person may contravene or fail to comply with Article 4(6)(first paragraph) of the Council Regulation, unless in accordance with articles 16 to 19.

(3) A keeper must replace a lost or illegible identification mark, in accordance with articles 15 to 19, as soon as possible after the original identification mark is 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.

(4) It is a defence for any person charged with an offence of contravening or failing to comply with paragraphs (1) or (2) to prove that—

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

Replacement of the identification marks with an identical code

15. Where a keeper is required by article 14(3) to replace a lost or illegible identification mark he or she may do so with a means of identification with an identical identification code and in that case he or she must record information about the replacement in columns 1 and 2 of section 2 of the register.

Replacement of the identification marks with a different code

16.—(1) A keeper may, as an alternative to the method of replacement described in article 15, instead replace a lost or illegible identification mark with a means of identification bearing a different identification code to the original identification mark in accordance with articles 17 to 19, provided the objective of traceability is not compromised.

Replacement of the identification mark with a different code for double-tagged animals which have lost one identification mark

17.—(1) This article applies where one identification mark from a double-identified animal is lost or illegible but one legible identification mark remains.

(2) In this article and article 18 “double-identified animal” means an animal identified with two identification marks.

(3) If the animal is on its holding of birth the keeper must replace a lost or illegible means of identification or older means of identification with another means of identification and —

- (a) ensure that at least one means of identification or older means of identification on an animal is an eartag; and
- (b) record information about the addition of the new means of identification including in full the identification code on the replacement tags in columns 1 and 2 of section 2 of the register.

(4) If the animal is no longer on its holding of birth the keeper must replace a lost or illegible identification mark with a replacement means of identification and

- (a) ensure that at least one identification mark on an animal is an eartag; and
- (b) record information about the replacement including the full identification code on the replacement means of identification in columns 1 and 2 of section 2 of the register.
- (c) record the letters and flockmark or herdmark on the remaining means of identification or older means of identification, or the full code on a method of identification in column 3 of section 2 of the register.

Replacement of the identification mark with a different code for double-tagged animals which have lost both identification marks

18.—(1) This article applies where both identification marks on a double-identified animal are lost or illegible.

(2) If the animal is on its holding of birth the keeper must —

- (a) replace the lost or illegible means of identification or older means of identification with two new identification tags or an identification tag and a tattoo; and
- (b) record information about the replacement in columns 1, 2 and 3 of section 2 of the register.

(3) If the original flockmark or herdmark of the animal or the code on a lost or illegible replacement means of identification is known and the animal is not on its holding of birth, the keeper must either—

- (a) replace the lost or illegible identification marks with two replacement tags or a replacement tag and a replacement tattoo and —
 - (i) record information about the replacement including the full identification code on the replacement means of identification in columns 1 and 2 of section 2 of the register; and
 - (ii) record in column 3 of section 2 of the register
 - (aa) if known, the letters and flockmark or herdmark on the lost or illegible means of identification or older means of identification, or the full code on a method of identification; or
 - (bb) if those things are not known, the letters and flockmark or herdmark on the lost or illegible replacement means of identification; or

- (b) replace the lost or illegible means of identification or older means of identification with two identification tags which have on them the flockmark or herdmark of the holding of birth of the animal.
- (4) If the original flockmark or herdmark is not known, the keeper must:
 - (a) replace the lost or illegible identification marks with two replacement tags or a replacement tag and a replacement tattoo; and
 - (b) record information about the replacement in columns 1 and 2 of the section 2 of the register.

Replacement of the means of identification or older means of identification with a different code of single-tagged animals

19.—(1) This article applies where the means of identification or older means of identification on a single-identified animal is lost or illegible.

(2) In this article “single-identified animal” means—

- (a) an animal identified in accordance with paragraphs (1) and (2) of article 6 or similar provisions that give effect to the Council Regulation in England, Scotland or Northern Ireland; or
- (b) an animal identified with only one older means of identification applied under previous Orders.

(3) If a keeper is replacing a lost or illegible tag on an animal born after 9 July 2005 a new or replacement means of identification must be an identification tag and not a tattoo.

(4) If the animal is on its holding of birth, the keeper must—

- (a) replace the lost or illegible means of identification or older means of identification with a new means of identification; and
- (b) record information about the replacement in columns 1 and 2 of section 2 of the register.

(5) If the original herdmark or flockmark is known and the animal is not on its holding of birth, the keeper must either—

- (a) replace the lost or illegible means of identification or older means of identification with a replacement means of identification and—
 - (i) record information about the replacement including the full identification code on the replacement means of identification in columns 1 and 2 of section 2 of the holding register; and
 - (ii) record the letters and flockmark or herdmark on the original means of identification or older means of identification in column 3 of the register; or
- (b) replace a lost or illegible means of identification or older means of identification with an identification tag which has on it the flockmark or herdmark of the holding of birth of the animal.

(6) If the original flockmark or herdmark is not known, the keeper must—

- (a) replace the lost or illegible means of identification or older means of identification with a replacement means of identification; and
- (b) record information about the replacement in columns 1 and 2 of section 2 of the register.

Replacement of identification marks lost at markets

20.—(1) The requirements of articles 14 to 19 to replace an identification mark do not apply to a market operator or slaughterhouse operator.

(2) If an identification mark is removed, lost or discovered to be illegible while an animal is at a market, the keeper who purchases the animal at the market must apply a replacement in accordance with the provisions of articles 14 to 19.

Loss of methods of identification applied in a third country.

21. Where an animal is imported from a third country and re-tagged in accordance with Article 4(4) of the Council Regulation, the keeper is not required to replace a method of identification applied in the third country if it subsequently becomes lost or illegible.

Alteration of identity tags

22. No person may alter, obliterate or deface the information on any identification mark attached to an animal under—

- (a) the Council Regulation;
- (b) this order or any provision that gives effect to the Council Regulation in England, Scotland or Northern Ireland;
- (c) 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.

PART 5

Holding Registers

Holding Register

23.—(1) Every keeper, other than a transporter, must comply with Article 5(1), (3) and (5) of the Council Regulation.

(2) When an animal is moved onto or from its holding, the keeper must record—

- (a) the information required by Section B of the Annex to the Council Regulation; and
- (b) the number of animals moved.

(3) The information referred to in paragraph (2) in respect of animals moving onto a holding must be recorded by the keeper by entering it in section 3 of the register.

(4) The information referred to in paragraph (2) in respect of animals moving from a holding must be recorded by the keeper by entering it in section 3 of the register.

(5) Where an animal is consigned for export the keeper at the holding of origin must, in addition to the information referred to in paragraph (2), record the unique number of that animal when recording its movement on to and off the holding of origin, by the methods set out in paragraphs (3) and (4) respectively.

(6) For the purposes of Article 5(3) of the Council Regulation, the register must be in the form set out in Schedule 1.

(7) The keeper must complete the register—

- (a) in the case of the movement of an animal on to or from a holding or from one location on a holding to another, within 36 hours of the movement;
- (b) in the case of the replacement of an identification mark, within 36 hours of the replacement.

(8) Where a keeper moves his or her animals to another holding but continues to be the keeper, the keeper does not have to keep the register on that holding but must be able to produce it within a reasonable amount of time to the Welsh Ministers upon request.

(9) For the purposes of Article 5(3) of the Council Regulation, the period for which the register must be available is 3 years from when the last entry was made.

PART 6

Movement documents

Movement document

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

(2) A keeper must comply with Article 6(3) of the Council Regulation and for the purposes of that Article 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 or her holding.

(3) The movement document must—

- (a) be in the form set out in Schedule 2;
- (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 2, including the number of animals moved; and
- (d) be kept in chronological order with any other movement documents retained by the keeper at the holding of destination.

(4) A market operator may complete an electronically generated movement document in a form other than that set out in Schedule 2, provided that it—

- (a) contains the information in Section C of the Annex to the Council Regulation and paragraph 3(c) of this article;
- (b) contains a reference to this Order at the head of the document; and
- (c) is printed and signed by the market operator.

Supply of movement document

25.—(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 to a port for consignment outside Great Britain, 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 7

Central database

Inventory of animals

26.—(1) For the purpose of Article 7(2) of the Council Regulation, a keeper who keeps animals permanently must make an inventory of the number of animals on his or her holding as at the 1 January each year.

(2) A keeper must provide the result of the annual inventory to the Welsh Ministers by 1 February each year.

Supply of information

27.—(1) On receiving notification under Article 8(2) of the Council Regulation that a person has become the keeper on a holding, the Welsh Ministers must, subject to paragraph (2), 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.

(2) When the holding is a slaughterhouse or a market, the Welsh Ministers must allocate a flockmark or herdmark only where they deem it appropriate to do so.

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

PART 8

Markets

Markets

28.—(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 may buy an animal at a market unless he or she 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 may sell an animal at a market unless he or she also sells all the other animals in the lot to the same buyer.

(4) A market operator may not receive an animal onto a market unless —

(a) it is identified in accordance with Part 2; and

(b) it is accompanied by a movement document which is completed in accordance with Part 6.

PART 9

Animals brought into Wales

Receipt of animals from another member State

29. No person may 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 9 July 2005; or

- (b) Council Directive [92/102/EEC](#), in the case of an animal born on or before 9 July 2005.

Receipt of animals from England, Scotland or Northern Ireland

30. No person may receive an animal from England, Scotland 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 9 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 9 July 2005 any of the previous Orders and any additional requirements imposed in legislation enforcing the Council Regulation in relation to such an animal.

PART 10

Miscellaneous

Defence related to movement for emergency veterinary treatment

31. It is a defence for any person charged with contravening or failing to comply with any provision in this Order relating to the movement of an animal from a holding without attaching or applying the required means of identification to prove that the animal was moved from the holding for the purposes of emergency veterinary treatment.

Powers of inspectors

32.—(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 identification tags, and record their numbers;
- (g) take with him or her a representative of the European Commission acting for the purposes of Article 12 of the Council Regulation, or any people or things he or she considers necessary.

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

Power to prohibit movement of animals

33.—(1) An inspector may, by serving notice on a keeper, prohibit the movement of a flock of sheep onto or from the holding specified in the notice, if he or she 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 onto or from the holding specified in the notice, if he or she 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.

False information

34. A person must not furnish information which he or she knows to be false or misleading to a person acting under this Order.

Offences by bodies corporate

35.—(1) If an offence against the Animal Health Act 1981 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 or her 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 or her functions of management as if he or she 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.

Enforcement

36.—(1) This Order will be enforced by the local authority.

(2) The Welsh Ministers may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority by this Order must be discharged by the Welsh Ministers and not by the local authority.

Revocations

37. The following are revoked—

- (1) the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006⁽¹⁹⁾; and
- (2) the Sheep and Goats (Records, Identification and Movement) (Amendment) (Wales) Order 2006⁽²⁰⁾.

21 January 2008

Elin Jones
Minister for Rural Affairs, one of the Welsh
Ministers

⁽¹⁹⁾ S.I 2005/1036 amended by S.I 2006/2926.

⁽²⁰⁾ S.I 2006/2926.

SCHEDULE 1

Article 23(6)

Holding Register
SECTION 1

Trading Title

Address of Holding

Postcode

Holding Identifier

(CPH)

Flock/Herd Number

Species

(sheep or goats)

Sheep

Goats

Both

Type of Production

Meat

Wool

Dairy

Breeding
Stock

Other

Geographical Location

(Map Reference)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SECTION 2

REPLACEMENT TAG RECORD (R tag only)

Date of Replacement tag being applied	Replacement (R) tag number	Letters and Previous flock or herd number

SECTION 3

Sheep and Goats Annual Inventory

Location No e.g. CPH	Location Address	Inventory For Calendar Year 20__	Inventory For Calendar Year 20__	Inventory For Calendar Year 20__	Inventory For Calendar Year 20__	Inventory For Calendar Year 20__

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 2

Article 24(3)(a)

Movement document

The Sheep and Goats (Record, Identification and Movement) (Wales) Order 2008

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

Postcode

Number of animals	Sheep or Goats	Flock and individual number - shows/isolation units only
Total		

I declare the above details are correct

Keeper's Signature <input style="width: 100%;" type="text"/>	Date <input style="width: 100%;" type="text"/>
Name in BLOCK letters <input style="width: 100%;" type="text"/>	Tel. No. (incl. national dialling code) <input style="width: 100%;" type="text"/>

Completion by Transporter

Section B - Transporter details

Name and full postal address (where different from above)

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

Date:

Start time:

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

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Unloading

Date:

Finish time:

Tel. No. (incl. nat. dialling code)

Transporter's Signature(where different fom above)

Name in BLOCK letters

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Section C - Destination details (1)		Section D - Destination details (2)	
Completion by Keeper at Departure Holding	Name and full postal address <input type="text"/>	CPH/Other ref. <input type="text"/>	No. of animals received <input type="text"/>
	Postcode <input type="text"/>	I declare the details in this section are correct.	
	State type of Market or Collecting Centre, where appropriate	Signature <input type="text"/>	Name in BLOCK letters <input type="text"/>
	<input type="checkbox"/> Dedicated slaughter <input type="checkbox"/> Other	Date <input type="text"/>	Tel. No. (incl. nat. dialling code) <input type="text"/>

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the administration and enforcement in Wales 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). It revokes and replaces the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006, S.I.2006/1036 (as amended by S.I. 2006/2926), changing the domestic identification requirements to reflect the fact that the UK will no longer take advantage of a derogation from the main double tagging regime under Council Regulation 21/2004.

Part 2 of the Order deals with the identification of animals. It requires the application of two means of identification to an animal identified or imported on or after 22 January 2008 and intended for export (articles 5 and 9). It provides for animals that are not intended for export and intended for slaughter within 12 months of birth to be identified with a single identification tag (article 6). Older animals which have been individually identified with a single tag before 22 January 2008 can continue to be identified with a single tag, whereas those that have not must be re-tagged with two identification tags (articles 7 & 8).

Part 3 of the Order deals with identification tags (the term “identification tag” is defined in article 2(1)) and provides that the Welsh Ministers must approve identification tags (article 11).

Part 4 of the Order deals with the removal or replacement of identification marks. It prohibits the removal of identification tags unless necessary for welfare reasons (article 14) and the alteration of identification marks (article 22). It provides for the replacement of an identification mark that is lost, removed or illegible with an identical means of identification (article 15) or replacement with a means of identification with a different code (articles 16 to 19).

Part 5 makes provision for every keeper to keep an up-to-date holding register, setting out the information which must be entered in the register and when (article 23 and Schedule 1).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Part 6 makes provision for a movement document to accompany every animal when it moves between holdings (article 24 and Schedule 2) and specifies when and to whom the document must be supplied (article 25).

Part 7 sets out the requirement for keepers to keep an annual inventory (article 26) and supply information to the Welsh Ministers about his or her holding (article 27) and the time limits for doing so.

Part 8 provides for the allocation of lot numbers to animals at a market and prohibits the buying or selling of animals unless all animals from a lot are bought or sold (article 28).

Part 9 makes provision for the identification requirements of animals brought into Wales from other member States or other countries in the United Kingdom (articles 29 and 30).

Part 10 contains miscellaneous and enforcement provisions. Article 31 sets out a defence to the failure to identify an animal correctly in the case of emergency veterinary treatment. Article 32 confers various powers to inspectors and article 33 enables inspectors to prohibit the movement of a flock of sheep or a herd of goats to or from a holding. Articles 34 and 35 relate to the provisions of false or misleading information and to offences committed by bodies corporate. The Order is enforced by the local authority or the Welsh Ministers if so directed (article 36).

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 not been produced for this Order.