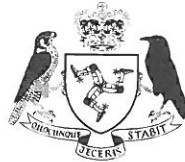


Statutory Document No. 2015/0299



Animal Health Act 1996

SHEEP AND GOATS (RECORDS, IDENTIFICATION AND MOVEMENT) ORDER 2015

Laid before Tynwald: 21 October 2015
Approved by Tynwald: 21 October 2015
Coming into Operation: 1 November 2015

The Department of Environment, Food and Agriculture makes the following Order under section 1, 6 and 54 of the Animal Health Act 1996.

1 Title

This Order is the Sheep and Goats (Records, Identification and Movement) Order 2015.

2 Commencement

If approved by Tynwald this Order comes into operation on 1 November 2015.

3 Interpretation

(1) In this Order -

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

“**consigned**” means certified for export;

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

“**critical control point**” means a holding or a third party approved by the Department under Section C.2 of the Annex to the Council Regulation;

“**the Council Regulation**” means Council Regulation (EC) No.21/2004 which amends Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC, including all amendments up to and including Council Regulation (EU) No. 517/2013 of 13 May 2013;

“**export**” means sending to the United Kingdom, and EU Member State or a third country;

“**flockmark**” means the number allocated by the Department in respect of a flock of sheep on a holding;

- “**herdmark**” means the number allocated by the Department in respect of a herd of goats on a holding;
- “**identification code**” means the code set out on a means of identification as required under this Order;
- “**identification device**” means an eartag, electronic eartag, pastern tag, electronic pastern tag or bolus approved by the Department in accordance with article 6;
- “**identification mark**” means a method of identification applied in the United Kingdom or EU State, a means of identification or an older means of identification;
- “**identified**” means identified as required under this Order;
- “**inspector**” means a person appointed to be an inspector for the purposes of this Order by the Department;
- “**knackery**” has the same meaning as in Part 2 of Schedule 2 of the Food Act 1996;
- “**keeper**” means a natural or legal person who has care or control of sheep or goats, including on a temporary basis;
- “**market operator**” means a person responsible for managing the reception or the sale of animals in a market or a duly authorised representative of such person;
- “**means of identification**” means an identification device or a tattoo;
- “**method of identification**” means an eartag, pastern tag or tattoo applied in the British Islands, an EU Member State other than the United Kingdom or a third country;
- “**movement document**” means the movement document required by Article 6 of the Council Regulation;
- “**register**” means the register required by Article 5 of the Council Regulation;
- “**slaughterhouse operator**” means a person carrying on the business of a slaughterhouse or a duly authorised representative of such a person;
- “**unique number**” means a number that is unique to an animal in a flock or herd and contains no more than 5 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.

4 Competent authority

The Department is the competent authority for the purposes of the Council Regulation.

5 Authorisations

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 DEVICES

6 Approval of identification devices

- (1) The Department must approve identification devices and electronic reading devices used to comply with this Order.
- (2) Any eartag attached under this Order must be -
 - (a) either metal or plastic or a combination of metal and plastic;
 - (b) tamper proof;
 - (c) printed or stamped with the letters and numbers required under this Order by a method that ensures that they are easy to read for the animal's lifetime;
 - (d) incapable of re-use;
 - (e) such that it does not interfere with the well-being of the animal.

7 Removal of metal eartags

No person may remove a metal eartag from the ear of an animal unless it is necessary to do so for the welfare of that animal.

8 Colour of identification devices

- (1) All electronic devices, except for replacement devices, boluses and those prescribed by Part 4, must be yellow and no keeper may apply a yellow identification device that is not identical to the electronic identification device.
- (2) No person may attach a red identification device to any animal, other than a replacement identification device.
- (3) If a keeper re-identifies an animal and that animal is not on its holding of birth, or the keeper does not know the holding of birth, he or she must use a red replacement identification device.
- (4) If an animal is identified by means of a bolus and the second identification device that second device must be black and a black identification device may only be used in combination with a bolus.
- (5) The characters on all identification devices must be a different colour to the background of the device and must be clearly legible.

9 Destruction of identification devices

- (1) The operator of a slaughterhouse or knackery must destroy in a secure manner all identification devices on any animal entering a slaughterhouse or knackery.
- (2) For the purposes of this article, “secure destruction” includes the rendering of any identification device.

PART 3 – IDENTIFICATION OF ANIMALS NOT IDENTIFIED BEFORE 31 JULY 2010

10 Identification of animals not identified before 31 July 2010

- (1) This article applies to –
 - (a) sheep born before 31 July 2010 which are not identified before that date and are on their holding of birth;
 - (b) sheep born on or after 31 July 2010;
 - (c) goats born before 31 July 2010 which are not identified before that date and are on their holding of birth whose keepers chose to identify them electronically; and
 - (d) goats born on or after 31 July 2010 whose keepers chose to identify them electronically.
- (2) A keeper must comply with Article 4.1 (first paragraph), Article 4.2(a) and Article 9.3 of the Council Regulation and this article unless the alternative identification method set out in article 11 is applicable.
- (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 if an animal is kept in extensive or free range farming conditions; or
 - (b) 6 months from the date of birth for any other animal.
- (4) No animal may be identified by the use of a bolus in combination with a tattoo.
- (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 triskelar symbol and the letters “UK” or, on an electronic identification device, the numbers “0826”; and
 - (b) a 12 digit number prescribed by the Department, and must be identical to the first and second means of identification.

11 Identification of animals born and identified before 31 July 2010

The keeper of any sheep or goat born on the Island before 31 July 2010 must mark that sheep or goat with a yellow eartag consisting of the letters "UK" followed by the flockmark or herdmark of the holding of birth.

**PART 4 – IDENTIFICATION OF ANIMALS INTENDED TO BE
CONSIGNED DIRECTLY TO SLAUGHTER FROM THE
HOLDING OF BIRTH**

12 Identification of animals intended to be consigned directly to the slaughter

- (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 Regulations is authorised.
- (2) For the purposes of Section A.7 of the Annex to the Council Regulation, the eartag must be the colour purple and must contain –
 - (a) the triskelar symbol;
 - (b) the letters "UK" followed by the flockmark or herdmark;
 - (c) an individual identification number preceded by the letter "s"; and
 - (d) no additional information.
- (3) If it is intended to slaughter an animal identified under paragraph (1) after the age of 12 months or to export that animal or to move it to any place other than a slaughterhouse, it must be identified.
- (4) No animal identified according to paragraph (1) may be re-identified if re-identification would require the removal of a metal tag.
- (5) No animal identified in accordance with this article may be moved from the holding other than to slaughter or emergency veterinary treatment.

13 Identification for animals no longer intended for slaughter before the age of 12 months

- (1) The keeper of an animal referred to in article 11(1) which –
 - (a) is not slaughtered before the age of 12 months; or
 - (b) is to be consigned for export before the age of 12 months,must be identified in accordance with Section A.1 to A.4 of the Annex to the Council Regulation.

- (2) In the case of an animal not slaughtered before the age of 12 months, the second means of identification must be applied when the animal reaches the age of 12 months.
- (3) In the case of an animal to be consigned for export before the age of 12 months, the second means of identification must be applied before the animal leaves the holding from which it is consigned for export.

PART 5 – REMOVAL OR REPLACEMENT OF MEANS OF IDENTIFICATION OF ANIMALS IDENTIFIED UNDER PARTS 3 AND 4

14 Application of Part 5

This Part applies to all animals identified under Parts 3 and 4.

15 Removal or replacement of means of identification

- (1) A person must not contravene Article 4.6 (first paragraph) of the Council Regulation, except as provided for in paragraph (2).
- (2) A keeper must replace a lost or illegible means of identification, in accordance with articles 15 and 16, as soon as possible after the original means of identification 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.
- (3) It is a defence for any person charged with an offence of contravening paragraphs (1) and (2) to prove that –
 - (a) the means of identification 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.

16 Replacement of the means of identification for animals identified according to Part 4

If an animal identified according to Part 4 loses its eartag and is on its holding of birth the keeper must replace the eartag with an eartag bearing the same number, if known.

PART 6 – IDENTIFICATION OF GOATS NOT IDENTIFIED BEFORE 31 JULY 2010

17 Identification of goats

- (1) If a goat is on its holding of birth and has not been identified before 31 July 2010 the keeper must, if he or she has not identified it in accordance with Part 3, identify it within the time limits specified in article 10(3), with either –
 - (a) two eartags;
 - (b) an eartag and a pastern tag; or
 - (c) an eartag and a tattoo.
- (2) The identification code on a means of identification must be –
 - (a) the letters “UK” and a triskelar symbol; and
 - (b) a 12 digit number prescribed by the Department,
and must be identical to the first and second means of identification.

18 Re-identification of goats

A goat identified in accordance with article 16 may be re-identified in accordance with article 10 if it is still on its holding of birth.

PART 7 – REMOVAL OR REPLACEMENT OF IDENTIFICATION MARKS ON ANIMALS IDENTIFIED BEFORE 31 JULY 2010

19 Application of Part 7

This Part applied to all animals identified before 31 July 2010.

20 Removal or replacement of identification marks

- (1) A person must not contravene Article 4.6 (first paragraph) of the Council Regulation, except as provided for in paragraph (2).
- (2) A keeper must replace a lost or illegible identification mark, in accordance with articles 21 to 23, 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.

- (3) It is a defence for any person charged with an offence of contravening or failing to comply with paragraphs (1) and (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.

21 Replacement of single identification mark on a double-tagged animal

- (1) If a keeper is required by article 19(2) to replace a single lost or illegible identification mark on a double-tagged animal he or she may do so by means of an identification mark with an identical identification code.
- (2) A keeper may, as an alternative to the method of replacement described in paragraph (1), instead, subject to article 7, remove any remaining tag and identify it in accordance with Article 4.1 (first paragraph), Article 4.2(a) and (b) and Article 9.3 of the Council Regulation.
- (3) If an animal to be re-identified under paragraph (2) has a metal tag the keeper must not remove that tag but the identification code it bears is to be ignored in all further recording of the animal's identity.
- (4) A keeper may replace the identification mark of an animal in the manner described in paragraph (2) even when no replacement is required by article 19(2).
- (5) A keeper may, as an alternative to the method of replacement described in paragraph (2) instead, subject to article 7, remove the remaining tag and replace it with 2 non-electronic tags bearing the same unique number.

22 Replacement of identification marks on animals with no remaining means of identification

If a keeper is required to replace a means of identification on an animal bearing no means of identification he or she must replace the lost means of identification with –

- (a) means of identification bearing the same unique number as the lost means of identification;
- (b) the means of identification specified in Articles 4.1 (first paragraph), 4.2(a) and (b) and Article 9.3 of the Council Regulation; and
- (c) the identification must be the colour red.

PART 8 – HOLDING REGISTERS

23 Holding register

- (1) A keeper, other than a transporter, must comply with Article 4.4 and Article 5.1, 5.3 and 5.5 of the Council Regulation.
- (2) If 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 or from a holding must be recorded by the keeper by either –
 - (a) entering it in the register; or
 - (b) retaining a duplicate or certified copy of the movement document and keeping that duplicate or copy with the register in chronological order with any other movement documents retained.
- (4) For the purposes of Article 5.3 of the Council Regulation, the register must be in a form approved by the Department.
- (5) The keeper must complete the register –
 - (a) in the case of the movement of an animal onto or from a holding within 36 hours of the movement;
 - (b) in the case of the replacement of an identification mark, within 36 hours of the replacement
- (6) If 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 Department upon request.
- (7) For the purposes of Article 5.3 of the Council Regulation, the period for which the register, including the duplicate or certified copies of the movement documents if kept in accordance with paragraph (3)(b), must be available is 3 years from the last day when an animal referred to on the document dies or leaves the holding.
- (8) If an animal is re-identified the keeper must record in the register the date of re-identification.
- (9) If an animal is re-identified and is not on its holding of birth or is re-identified on its holding of birth in accordance with article 11, the keeper must record in the holding register both the old identification, if known, and the new identification.

PART 9 – MOVEMENT DOCUMENTS

24 Movement document

- (1) A keeper must comply with Article 6.1 of the Council Regulation and complete the movement document in accordance with this article, except that the identification codes of the animals moved may be recorded at a critical control point.
- (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 onto his or her holding.
- (3) The movement document must –
 - (a) be in the form approved by the Department from time to time;
 - (b) be completed in full by the appropriate keeper as specified in that form;
 - (c) contain the information required by Section C of the Annex to the Council Regulation; and
 - (d) be kept in chronological order with any other movement documents retained by the keeper at the holding of destination.

25 Supply of movement document

- (1) Subject to paragraph (2), 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 Department within 3 days of the animal arriving at the holding.
- (2) If a keeper notifies a movement of an animal off his or her holding electronically, there is no requirement to sign the movement document.

PART 10 – CENTRAL DATABASE

26 Inventory of animals

For the purposes of Article 7.2 of the Council Regulation, a keeper who keeps animals permanently must make an inventory of the number of animals held on their holding as at the Agricultural and Horticultural Census annually on a date prescribed by the Department.

27 Supply of information

- (1) Upon receiving notification under Article 8.2 of the Council Regulation that a person has become the keeper on a holding, the Department 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) If the holding is a slaughterhouse or market, the Department must allocate a flockmark or herdmark only if it deems it appropriate to do so.
- (3) The keeper must notify the Department in writing of any change in the information specified in Article 8.2(a) of the Council Regulation within 30 days of that change.

PART 11 – MARKETS AND SLAUGHTERHOUSES

28 Markets

A market operator must not receive an animal onto a market unless it is identified in accordance with this Order.

29 Replacement of identification marks lost at market

- (1) The requirements in this Order to replace the 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 market, the keeper who purchases the animal at the market must apply a replacement in accordance with this Order.

30 Contingency planning for power and equipment failures

- (1) The Department may exempt market and slaughterhouse operators from the need to record –
 - (a) an animal's unique number on a movement document;
 - (b) an animal's unique number in a holding register; or
 - (c) the number of animals in any batch bearing a particular flock mark or herd mark,

if a contingency plan has been agreed between the Department and the market or slaughterhouse operator.

- (2) A contingency plan agreed under paragraph (1) must set out the conditions which must be met by the market or slaughterhouse operator and the circumstances in which, provided those conditions are met, the exemptions in paragraph (1) will apply.

- (3) A contingency plan under paragraph (1) must require a market or slaughterhouse operator to obtain the consent of the Department on every occasion when they wish to apply the exemptions in paragraph (1).

PART 12 – ANIMALS BROUGHT INTO THE ISLAND

31 Receipt of animals from another Member State

- (1) No person may receive an animal from a Member State other than the United Kingdom unless it is identified in accordance with –
- (a) the Council Regulation, in the case of an animal born after 9th July 1995; or
 - (b) Council Directive 92/102/EEC, in the case of an animal born on or before 9th July 2005.
- (2) No person may remove or replace the original method of identification of an animal originating in another Member State other than the United Kingdom in contravention of Article 4.5 of the Council Regulation.

32 Receipt of animals from the British Islands

No person may receive an animal from any other part of the British Islands unless it is properly identified and accompanied by a movement document incorporated within an Official Health Certification.

33 Identification of animals imported from third countries

- (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 animals 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 Article 9.3 of the Council Regulation and the identification code for the purposes of Section A.2. of the Annex is –
- (a) the letters “UK”;
 - (b) a 12 digit number prescribed by the Department.
- (4) If an animal is imported from a third country and re-identified according to this article, the keeper must record information about the addition of the new means of identification in the register together with the full identification code on the new means of identification and the full code on the method of identification applied in the third country.

34 Loss of methods of identification applied in a third country

If an animal is imported from a third country and re-identified 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.

PART 13 – MISCELLANEOUS

35 Identification and recording of animals for export

- (1) A keeper must identify all animals consigned for export in accordance with Article 4.2(a) and (b) and Article 9.3 of the Council Regulation.
- (2) The keeper must inform the Department of any animals consigned but not subsequently exported within 72 hours after the Official Health Certificate has been issued by the Department.

36 Defence related to movement for emergency veterinary treatment

It is a defence for any person charged with an offence of contravening any provision of 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.

37 Powers of inspectors

- (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) if 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 devices 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.

38 Power to prohibit movement of animals

- (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 in relation to that herd.
- (3) A notice served under this article may be amended or revoked by further notice at any time.

39 False information

No person may furnish information which he or she knows to be false or misleading to a person acting under this Order.

40 Alteration of identification marks

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 any part of the United Kingdom;
- (c) Council Directive 92/102/EEC in the case of an animal marked in a Member State other than the United Kingdom in accordance with that Directive.

41 Revocation

The Sheep and Goats (Records, Identification and Movement) Order 2010¹ is revoked.

¹ SD 154/10

MADE 23rd September 2015

RICHARD RONAN
Minister for Environment, Food and Agriculture

*EXPLANATORY NOTE**(This note is not part of the Order)*

This Order makes provision for the administration and enforcement in the Island of Council Regulation (EC) No.21/2004 (establishing a system for the identification and registration of ovine and caprine animals) and includes all amendments up to and including Council Regulation (EU) No.517/2013 of 13 May 2013.

Part 2 provides that the Department must approve identification devices and sets out some general provisions in relation to the application of identification devices.

Part 3 of the Order requires the application of two means of identification, including one electronic device, to an animal identified or imported on or after 31 July 2010.

Part 4 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.

Part 5 makes provision for the removal or replacement means of identification on animals identified under Parts 3 and 4.

Part 6 provides for the identification of goats not identified under Part 3 .

Part 7 makes provision for the replacement of identification marks on animals identified before 31 July 2010.

Part 8 requires a keeper to keep an up-to-date holding register, setting out the information which must be entered in the register and when (article 23).

Part 9 requires a movement document to accompany every animal when it moves between holdings (article 24) and specifies when and to whom the document must be supplied (article 25).

Part 10 sets out the requirement for keepers to keep an annual inventory (article 26) and supply information to the Department about their holding (article 27) and the time limits for doing so.

Part 11 prohibits the buying or selling of animals not identified in accordance with the provisions of this Order (article 28).

Part 12 makes provision for the identification requirements of animals brought into the Island from the United Kingdom, Member States and third countries (articles 31 to 33).

Part 13 contains miscellaneous and enforcement provisions including the requirements relating to animals which are to be exported. Article 36 sets out a defence to the failure to identify an animal correctly in the case of emergency veterinary treatment. Article 37 confers various powers to inspectors and article 38 enables inspectors to prohibit the movement of a flock of sheep or a herd of goats to or from a holding. Articles 39 and

40 relate to the provisions of false or misleading information and the alteration of identification marks.

Breach of the Order is an offence under section 47 of the Animal Health Act 1996 and is punishable in accordance with that Act.

This Order revokes the Sheep and Goats (Records, Identification and Movement) Order 2010.

