



CATTLE IDENTIFICATION ORDER 2019

Index

Article	Page
PART 1 - INTRODUCTORY	
3	
1 Title	3
2 Commencement	3
3 Interpretation.....	3
PART 2 – NOTIFICATION	
5	
4 Database	5
5 Notification of holdings	5
6 Notification of birth.....	6
7 Notification of movement.....	6
8 Notification of death.....	6
9 Notification by movement card	7
10 Electronic notification	7
PART 3 - RECORDS	
8	
11 Records	8
12 Retention of records	9
PART 4 – EAR TAGS	
10	
13 Enforcement of Articles 4 to 4d of Regulation (EC) No. 1760/2000	10
14 Form of ear tags	10
15 Movement from a holding.....	11
16 Ear tags missing at a slaughterhouse.....	11
17 Replacement ear tags.....	12
18 Additional tags.....	13
19 Change of ear tag number	13
20 Temporary marks	13
21 Trade with member States.....	14
22 Ear tags for cattle imported from third countries	14
23 Removal, alteration and storage of ear tags.....	14
PART 5 – REGISTRATION	
14	
24 Registration.....	14

25	Imported cattle prior to registration.....	15
26	Registration of cattle brought into the Island from a member State etc.....	15
27	Registration of cattle imported from third countries	15

PART 6 – CATTLE PASSPORTS **15**

28	Issue of a passport.....	15
29	Cattle born in the Island	16
30	Retention and use of cattle passports	16
31	Movement off a holding.....	16
32	Transporting cattle	16
33	Movement on to a holding (including a markets and slaughterhouses).....	17
34	Movement of calves under 28 days without a cattle passport.....	17
35	Lost cattle passports and replacements.....	18
36	Confiscation of cattle passports.....	19
37	Lost or stolen animals	19
38	Exportation of cattle	19

PART 7 - GENERAL **20**

39	Enforcement	20
40	Powers of authorised officers	20
41	Powers to restrict movements	21
42	Slaughter of unmarked animals	21
43	Offences	21
44	Offences by bodies corporate	22
45	Revocations	22

ENDNOTES **24**

TABLE OF ENDNOTE REFERENCES	24
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Statutory Document No. 2019/0352



Animal Health Act 1996

CATTLE IDENTIFICATION ORDER 2019¹

Laid before Tynwald: 8 October 2019

Coming into Operation: in accordance with article 2

The Department of Environment, Food and Agriculture makes the following Order under sections 1, 6 and 46 of the Animal Health Act 1996.

PART 1 - INTRODUCTORY

1 Title

This Order is the Cattle Identification Order 2019.

2 Commencement

This Order comes into operation on 27 September 2019.²

3 Interpretation

(1) In this Order—

“**authorised officer**” means a veterinary inspector, veterinary officer, veterinary surgeon or any other person appointed for the purposes of this Order by the Department;

“**cattle**” means bovine animals, including bison and buffalo;

“**cattle passport**” means—

- (a) a cattle passport issued in the Isle of Man under this Order; or
- (b) a cattle passport issue in the Isle of Man under previous cattle tagging legislation;
- (c) a cattle passport issued in England, Wales or Scotland under Article 6(1) or 6a of Regulation (EC) No. 1760/2000; or
- (d) a movement document issued in England under the Cattle (Identification of Older Animals) (England) Regulations 2000 or the equivalent measure in Scotland, Wales or Northern Ireland;

“**Commission Regulation (EC) No 494/98**” means Commission Regulation (EC) No 494/98 laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards the application of minimum administrative sanctions in the framework of the system for the identification and registration of bovine animals¹, as amended from time to time;

“**Commission Regulation (EC) No. 911/2004**” means Commission Regulation (EC) No. 911/2004 (implementing Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards ear tags, passports and holding registers)², as amended from time to time;

“**dam**”, other than in the phrase “genetic dam”, means the female parent of a calf whether or not the calf was the product of an implanted ovum or embryo and excludes female cattle from which the ovum or embryo has been taken;

“**ear tag number**” means the unique identification number allocated by the Department in accordance with paragraphs 1 and 2 of Article 1 of Commission Regulation (EC) No. 911/2004;

“**holding**” means any establishment, construction or, in the case of an open-air farm, any place in which cattle are held, kept or handled;

“**holding number**” means the numeric code which is allotted to the holding by the Department;

“**keeper**” means any person responsible for animals, whether on a permanent or temporary basis, including during transportation or at a market;

“**previous cattle tagging legislation**” means —

- (a) the Bovine Identification and Traceability Order 2007;
- (b) the Marking and Cattle Records Order;
- (c) the Cattle Passports Order 1997; and
- (d) the Cattle Database Order 1998;

“**Regulation (EC) No. 1760/2000**” means Regulation (EC) No. 1760/2000 of the European Parliament and of the Council (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef products and repealing Council Regulation (EC) No. 820/97)³, as amended from time to time;;

“**third country**” means and country other than —

- (a) the Isle of Man;
- (b) a member State; or
- (c) an EEA state.

¹ OJ L 60, 28.2.1998, p. 78.

² OJ L 163, 30.4.2004, p. 65.

³ OJ L 204, 11.8.2000, p. 1.

“**valid**”, in relation to a cattle passport, means a cattle passport that has been correctly completed and signed in the appropriate place by each keeper of the animal and where the identification number and description of the animal in the passport correlate to the ear tags and the animal.

- (2) Any approval, authorisation, licence, notice or registration issued under —
- (a) this Order;
 - (b) Regulation (EC) No. 1760/2000; or
 - (c) Commission Regulation (EC) No. 911/2004,
- must be in writing, may be made subject to conditions and may be amended or revoked by notice in writing at any time.

PART 2 – NOTIFICATION

4 Database

The Department may make and maintain a database in respect of holdings and of births, importations, deaths, exportations and movements of cattle and of any associated information compiled from notifications required to be made under this Order.

5 Notification of holdings

- (1) Subject to paragraph (2), the keeper of cattle on a holding must ensure that the Department is notified in writing of —
- (a) the address of the holding;
 - (b) the name and address of the owner or occupier of the holding;
 - (c) the identification number of the holding (if known to the person giving the notification); and
 - (d) the extent of the holding,
- in such form as the Department may approve.
- (2) Where the particulars required by paragraph (1) in respect of any holding have been notified to the Department in compliance with previous cattle tagging legislation, the requirement of paragraph (1) is deemed to have been satisfied.
- (3) In the case of a holding established after this Order comes into operation, the keeper of cattle on the holding must comply with the requirement of paragraph (1) within seven days of the movement of cattle onto the holding.
- (4) The keeper of cattle on a holding must notify the Department in writing of any change to the particulars required to be notified under paragraph

(1) within one month of such change, or within seven days of the movement of any cattle onto or off the holding.

- (5) The keeper of any cattle on the holding must give the notified particulars to an authorised officer if requested to do so.

6 Notification of birth

A notification of birth must be made by means of an application for a cattle passport in accordance with this Order and must be made with seven days of the marking of the cattle unless the cattle have already been moved with temporary calf passports in accordance with article 27, and in any event before 28 days of age.

7 Notification of movement

- (1) The keeper of cattle on a holding must notify the Department, in respect of any movement onto or off a holding, of such movement either electronically within three days, or by means of posting a movement card within five days of such movement. Such notification must —

- (a) identify —
- (i) the holding number;
 - (ii) the ear tag numbers of all cattle moved;
 - (iii) the address of the holding;
 - (iv) the name of the keeper;
- (b) indicate whether the movement is on or off a holding (or, in the case of a via holding, that the cattle have moved through the via holding); and
- (c) show the date of the movement.

- (2) In the case of notification by means of a movement card, the movement card must contain the name and signature of the keeper.

8 Notification of death

- (1) The keeper of cattle on a holding must notify the Department, in respect of the death of any cattle, within seven days of such death.

- (2) Subject to paragraph 5, notification of death is by means of sending the completed cattle passport to the Department.

- (3) In the case of cattle being slaughtered at a slaughterhouse or killed at a knackers' yard the keeper must —

- (a) give the duly completed movement card for each animal to the operator of the slaughterhouse; and

notify the Department of the death by —

- (b) surrendering the appropriately completed passport to the Department; or
 - (c) electronically, provided that the appropriately completed passport is subsequently surrendered on demand.
- (4) When cattle die other than through being slaughtered at a slaughterhouse or killed at a knackers' yard the keeper must, in addition to the requirements of paragraph 1, complete the Notification of Death box on the cattle passport with –
- (a) the date of death;
 - (b) the holding number where death occurred;
 - (c) the method of disposal; and
 - (d) the signature of keeper.
- (5) If cattle to which this Order applies do not have cattle passports, the keeper must notify the Department of the death in writing within seven days of the death, and the notification must include –
- (a) the ear tag numbers of the cattle;
 - (b) the date of death;
 - (c) the holding number and address where death occurred; and
 - (d) the method of disposal.

9 Notification by movement card

Subject to Article 8, paragraph 2(a) all notifications made using a movement card must be sent by post to the Department at such address as may be specified by the Department from time to time.

10 Electronic notification

- (1) The Department may authorise any person to make notifications by electronic means rather than by post.
- (2) An authorisation under this article –
 - (a) may be generic or specific;
 - (b) must be in writing;
 - (c) must specify –
 - (i) the format in which the data shall be transmitted; and
 - (ii) the method of transmission;
 - (d) may be made subject to conditions; and
 - (e) may be amended, suspended or revoked by notice in writing or electronic means, at any time.

- (3) Notification by electronic means must be made within the period specified for postal notification.
- (4) The Department may maintain a register of persons authorised under this article.

PART 3 - RECORDS

11 Records

- (1) In accordance with Article 7(1), first indent and Article 7(4) of Regulation (EC) No. 1760/2000 any person who fails to make a record in accordance with this paragraph, is guilty of an offence under section 46 of the Act.
- (2) A keeper must make a record—
 - (a) in the case of the movement of any cattle on or off a holding, within 36 hours of the movement;
 - (b) in the case of the birth of any cattle, within seven days of the cattle being tagged in accordance with this Order and in any event within 27 days of birth;
 - (c) in the case of the death of any cattle, within 7 days of the death;
 - (d) in the case of a replacement ear tag where the ear tag number is changed, within 24 hours of the replacement.
- (3) In accordance with Article 8 of Commission Regulation (EC) No 911/2004 implementing Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards eartags, passports and holding registers, the record must contain —
 - (a) name and address of person keeping record;
 - (b) holding number;
 - (c) address of holding, if different to the address given at (a);
 - (d) for each animal —
 - (i) eartag number;
 - (ii) date of birth;
 - (iii) sex;
 - (iv) breed or colour of coat;
 - (v) identification numbers of all holdings where the animal has been kept and the dates of each change of holding (if applicable);
 - (vi) the type of electronic identifier, if applied to the animal; and
 - (e) in the case of animals born on the holding —

- (i) the dam's ear tag number;
 - (ii) if genetic dam is different to dam, genetic dam's ear tag number if known or, if not, then registered pedigree name, if known;
 - (iii) in the case of embryo transfer the surrogate dam's ear tag number if known or, if not, then registered pedigree name, if known;
 - (iv) if sire is known sire's ear tag number or, for artificial insemination bulls where the ear tag number is not known, the registered pedigree name must be used; and
- (f) in the case of slaughter, date of slaughter; and
- (g) in the case of a death other than at a slaughterhouse —
- (i) date of death; and
 - (ii) method of disposal.
- (4) The person who makes or made any record under this article, or the person in charge of the record, if different, must retain it for a period of ten years.
- (5) Any person who is for the time being in charge of any record required to be retained under this article must, on demand made by an inspector at any reasonable time, produce the record and allow a copy of it or an extract from it to be taken.
- (6) Where a record required to be retained under this article is retained in electronic or magnetic form, the person who is for the time being in charge of any record must, if the inspector making the demand under paragraph 5 so requires, produce the record in written form.
- (7) A record made before the coming into force of this Order in compliance with previous cattle tagging legislation is regarded as though made under this Order for the purposes of this article.

12 Retention of records

- (1) For the purposes of Article 7(4) of Regulation (EC) No. 1760/2000, the register must be kept for 10 years from the end of the calendar year in which the last entry was made; and any record made under the previous cattle tagging legislation must be kept for the same period.
- (2) Failure to comply with this paragraph is an offence under section 46 of the Act.

PART 4 – EAR TAGS

13 Enforcement of Articles 4 to 4d of Regulation (EC) No. 1760/2000

- (1) The Department is the competent authority for the purposes of approving ear tags for the purposes of Article 4(1) of Regulation (EC) No. 1760/2000; and
- (2) On application from a manufacturer of approved ear tags, the Department must issue unique identification codes for the purposes of that Article, conforming with the provisions of paragraphs 1 and 2 of Article 1 of Commission Regulation (EC) No. 911/2004 (except that the Department may refuse to allocate numbers in the circumstances set out in Article 1(5) of that Regulation).
- (3) The person responsible for identifying cattle by means of an ear tag applied to each ear in accordance with Article 4(1) of Regulation (EC) No. 1760/2000 is the keeper.
- (4) Paragraph 3 does not apply to imported cattle to which an ear tag has been attached in compliance with the Article 4(1) of Regulation (EC) No. 1760/2000 in accordance with provisions of the law of a member State or an EEA State.
- (5) In accordance with Article 4a of Regulation (EC) No. 1760/2000 two ear tags must be attached to each animal within 20 days of birth and, in any event, before they are moved from the holding where they were born.
- (6) Any person who fails to comply with the requirements in Article 4(1) and 4a of Regulation (EC) No. 1760/2000 to apply an ear tag within the period specified in paragraph (3) above is guilty of an offence.

14 Form of ear tags

- (1) Ear tags applied under Article 4(1) of Regulation (EC) No. 1760/2000 must be approved by the Department.
- (2) In accordance with paragraphs 1 and 2 of Article 1 of Commission Regulation (EC) No. 911/2004, both ear tags must include –
 - (a) the country code "UK" and the geographic identifier;
 - (b) the holding number;
 - (c) a unique number, being a number approved by the Department for the purposes of this Order and allotted to the cattle by the keeper;
 - (d) the triskelion logo in a form approved by the Department; and
 - (e) a check digit based upon the geographic identifier, holding number and unique number;

- (f) no other information in the case of the primary tag, and in the case of the secondary tag may include such further information in such a form as the Department may permit.
- (3) In the case of a two-piece ear tag, both pieces must have all of the information set out in paragraph 2.
- (4) In accordance with Article 1(3) of Commission Regulation (EC) No. 911/2004 the Department may approve a bar code of inclusion on an ear tag, in addition to the information set out in paragraph 2.
- (5) The power in Article 4 of Commission Regulation (EC) No. 911/2004 (a power to choose other material or model for the second ear tag) may be exercised by the Department.

15 Movement from a holding

- (1) Subject to paragraph (3), any person who moves an animal from a holding in breach of the third paragraph of Article 4a(1) of Regulation (EC) No. 1760/2000 is guilty of an offence.
- (2) Subject to paragraph (3), any person who moves from a holding cattle that should have been tagged or marked under previous cattle tagging legislation and that are not correctly tagged or marked is guilty of an offence.
- (3) If an animal at a market is not correctly tagged or marked, an authorised officer may issue a licence to the keeper permitting the animal to be moved from the market to a holding specified in the licence.
- (4) Any person who moves an animal in breach of the licence or any condition of the licence is guilty of an offence.

16 Ear tags missing at a slaughterhouse

- (1) A person must not slaughter or cause or permit the slaughter of any cattle to which all the ear tags required to be attached —
 - (a) by Article 13 of this Order; or
 - (b) in the case of imported cattle, in compliance with the Directive in accordance with provisions of the law of a member State or an EEA State,are not so attached at the time of slaughter.
- (2) The carcasses of any cattle slaughtered in breach of paragraph (1) of this article must be identified as specified risk material in accordance with the Transmissible Spongiform Encephalopathies Regulations 2019⁴ unless the official veterinary surgeon is satisfied as to the identity of the cattle and

⁴ SD 2019/0372

serves a notice on the operator of the slaughterhouse allowing them to be used for human consumption.

- (3) If at a slaughterhouse any cattle, to which more than one ear tag are required to be attached –
- (a) by article 13 of this Order; or
 - (b) in the case of imported cattle, in compliance with the Directive in accordance with provisions of the law of a member State or an EEA State,

have only one ear tag attached, the operator of the slaughterhouse may apply to the Department for a licence to slaughter the animal for human consumption without replacing the missing ear tag, in which case the slaughter of the animal will not be in breach of paragraph (1) of this article.

- (4) If at a slaughterhouse any cattle, to which ear tags are required to be attached –
- (a) by article 13 of this Order; or
 - (b) in the case of imported cattle, in compliance with the Directive in accordance with provisions of the law of a member State or an EEA State,

have no ear tags attached, the operator of the slaughterhouse must apply to the Department for a licence to enable them to be returned to the previous keeper and must so return them in accordance with any conditions specified in the licence.

- (5) Should such a license under paragraph 5 not be granted, the cattle must be killed and the operator of the slaughterhouse must identify the carcasses as specified risk material in accordance with the Transmissible Spongiform Encephalopathies Regulations 2019.

17 Replacement ear tags

- (1) The Department is the competent authority for the purposes of Article 4d of Regulation (EC) No. 1760/2000, and any person who either removes or replaces an ear tag (or an ear tag attached under previous cattle tagging legislation) without permission in contravention of that Article or Article 4c(1) of Regulation (EC) No. 1760/2000 is guilty of an offence.
- (2) Where ear tag which has been attached to cattle becomes illegible or is lost the keeper must ensure that an approved replacement tag bearing the same information as was originally present on the lost or illegible tag (which must be a primary tag if the original was primary, or a primary or secondary tag if the original tag was secondary) is attached to the animal as soon as practicable after the illegibility arises or the tags are lost, and failure to do is an offence.

- (3) It is an offence to apply an ear tag to an animal if it has previously been used to identify a different animal.
- (4) It is an offence to apply an ear tag to an animal if the ear tag number has already been used on a different animal.
- (5) Paragraphs (2) to (3) do not apply to the occupier of a slaughterhouse or the operator of a market.

18 Additional tags

- (1) Subject to paragraph 2, an additional ear tag comprising information similar in all respects —
 - (a) to that comprised in an ear tag attached under any other provision of this Order, save for the country code "UK" and the triskelion logo, which must not be used; or
 - (b) to that comprised in an ear tag which has been attached in compliance with the provisions of the law of a member State or an EEA state,may be attached to the ear of any cattle.
- (2) A person must not attach to any cattle an additional ear tag which could be confused with any ear tag attached —
 - (a) under any other provision of this Order; or
 - (b) in compliance with Regulation (EC) No. 1760/2000 in accordance with provisions of the law of a member State or an EEA State.

19 Change of ear tag number

The Department may direct that a new ear tag bearing a new ear tag number be attached to cattle, in such case the keeper must —

- (a) within 3 days of the new ear tag being attached and in any event before the animal is moved off the holding —
 - (i) notify the Department of the new ear tag number; and
 - (ii) return the old cattle passport with an application for a new cattle passport to be issued with the new ear tag number; and
 - (b) include a cross-reference between the old and the new ear tags numbers in the record maintained under Article 10 of this Order,
- and failure to do so is an offence.

20 Temporary marks

If an animal is not tagged in accordance with this Order or previous cattle tagging legislation, an authorised officer may apply an identification mark to it.

21 Trade with member States

It is an offence to consign an animal for trade with a member State unless it is tagged in each ear with an ear tag approved by the Department in accordance with Article 4(1) of Regulation (EC) No. 1760/2000.

22 Ear tags for cattle imported from third countries

- (1) Any person who fails to apply ear tags to an animal imported from a third country within 20 days of the animal being released from the border inspection post at which it was imported, and in any event before the animal leaves the holding of destination, as specified in Article 4b of Regulation (EC) No. 1760/2000, is guilty of an offence.
- (2) It is a defence for any person charged under this regulation to prove that—
 - (a) when the animal was imported, the holding of destination was a slaughterhouse, and
 - (b) the animal was slaughtered within 20 days of leaving the border inspection post.

23 Removal, alteration and storage of ear tags

- (1) Save in accordance with an authority issued by an authorised officer, a person must not —
 - (a) remove any ear tags from cattle; or
 - (b) replace ear tags attached to cattle,
other than where the ear tag is being replaced in accordance with article 16.
- (2) It is an offence to alter, obliterate or deface an ear tag applied under Regulation (EC) No. 1760/2000 or previous cattle tagging legislation, or a temporary mark applied by an authorised officer in accordance with paragraph 9 (temporary marks).
- (3) Any person who has in his possession unused ear tags issued for the purposes of this Order must keep them in a secure place, and failure to do so is an offence.

PART 5 – REGISTRATION

24 Registration

- (1) Registration is by means of an application for a cattle passport in accordance with this Order.
- (2) It is an offence to fail to register an animal in accordance with the Order.

25 Imported cattle prior to registration

- (1) In the case of cattle brought into the Isle of Man from any other place, the animal may be moved from the place it was brought into Isle of Man to the holding at which it will be registered in accordance with article 26 using its passport (if it has one) or its movement document.
- (2) If the animal has a passport its keeper must complete the passport in accordance with article 33(2) and failure to do so is an offence.

26 Registration of cattle brought into the Island from a member State etc.

- (1) If cattle are brought in from a member State, the Channel Islands or Northern Ireland, the keeper must, within 7 days of an animal arriving at the holding of destination –
 - (a) register it with the Department; and
 - (b) surrender the animal's cattle passport (if any) to the Department.
- (2) If cattle are brought in from a place specified in sub-paragraph (1) and the holding of destination is a market or a showground, the provisions of sub-paragraph (1) do not apply until the animal reaches a holding that is not a market or a showground.
- (3) The requirement to register does not apply in relation to cattle at a slaughterhouse.

27 Registration of cattle imported from third countries

- (1) In the case of cattle imported from a third country the keeper must register an animal, by making an application to the Department for a cattle passport, within 7 days from the date that the animal must be tagged in accordance with Article 4b of Regulation (EC) No. 1760/2000.
- (2) The requirement to register does not apply in relation to cattle at a slaughterhouse.

PART 6 – CATTLE PASSPORTS**28 Issue of a passport**

- (1) If the Department receives a fully completed and accurate application for the registration of an animal within the specified time limits, the Department must issue a cattle passport for that animal.
- (2) An application for a cattle passport must be in such form and contain such information as the Department directs from time to time.
- (3) The Department may issue one if it receives an application outside the specified time, but only if it is satisfied of the animal's identity and that all the information in the application is accurate.

- (4) The passport remains the property of the Department at all times.

29 Cattle born in the Island

- (1) Subject to the provisions of article 34 on temporary calf passports, any person who keeps cattle which were born in the Island after 1 January 1998 must apply for a cattle passport within seven days of the cattle being tagged in accordance with this Order.
- (2) The Department may issue a cattle passport in respect of an animal born in the Island or imported into the island before 1 January 1998 provided that it is satisfied that sufficient evidence exists of the animal's origin and any subsequent movements.
- (3) When new passports are issued the keeper of cattle on a holding must sign them on receipt to make them valid.

30 Retention and use of cattle passports

- (1) A keeper must retain the cattle passport for each animal (unless it has been submitted to the Department) and produce it to an authorised officer on demand.
- (2) A person must not alter or deface any information in a cattle passport.
- (3) A person must not use a cattle passport in relation to an animal other than the animal for which it was granted.
- (4) Failure to comply with this regulation is an offence.

31 Movement off a holding

- (1) When cattle are moved off a holding, the keeper must ensure that the cattle passport for each animal, and bearing the same number as the ear tags attached to the animal, is marked with the date of movement and must sign it in the appropriate place.
- (2) The keeper must give the duly completed cattle passport to the transporter before the cattle are moved off the holding.
- (3) The Department may at any time issue a licence for cattle to be moved without a passport if it is satisfied that it is necessary to do so and that it is not practicable to obtain a passport.
- (4) Failure to comply with this regulation is an offence.

32 Transporting cattle

- (1) Anyone transporting cattle must ensure that each animal is accompanied throughout its journey by a valid cattle passport.
- (2) Failure to comply with this paragraph is an offence.

- (3) But, if the transporter ('O') is not the owner of the animals, it is a defence for 'O' to prove that 'O' had no reason to believe that an animal was not accompanied by a valid cattle passport.

33 Movement on to a holding (including a markets and slaughterhouses)

- (1) When cattle are moved on to a holding, the transporter must give each animal's cattle passport to —
 - (a) the new keeper;
 - (b) the operators of the slaughterhouse; or
 - (c) if moved through a market, the keeper must give it to the market operator, who must then give it to the new keeper.
- (2) The new keeper or market operator must ensure that within 36 hours of the arrival of the animal that the cattle passport is marked with—
 - (a) the date of movement on to the holding;
 - (b) the name and address of the keeper (or, in the case of a market, the operator of the market); and
 - (c) the holding number, using if practicable the bar code label provided by the Department,and must sign it.
- (3) Sub-paragraph (2) does not apply to the occupier of a slaughterhouse.
- (4) No one may move the animal off the holding until the passport has been completed in accordance with this paragraph.
- (5) The operator of a market or other animal gathering must not accept any cattle without a valid cattle passport (or, in the case of imported cattle, documentation permitting them to be moved).
- (6) In this and the following paragraph "animal gathering" means an occasion at which animals are brought together for one or more of the following purposes—
 - (a) a sale, show or exhibition;
 - (b) onward consignment; or
 - (c) inspection to confirm the animals possess specific breed characteristics.
- (7) Failure to comply with this regulation is an offence.

34 Movement of calves under 28 days without a cattle passport

- (1) The requirement for a cattle passport does not apply in the case of calves born in the Island and under 28 days of age, provided that they remain in

the Island and are accompanied by temporary calf passports containing such information as the Department directs from time to time.

- (2) Any temporary calf passport must be issued by the first keeper of the calf and must be completed by each subsequent keeper with the exception of transporters.
- (3) The keeper must ensure that the temporary calf passport is submitted to the Department —
 - (a) before the calf is 28 days old; or
 - (b) within seven days if the calf dies or is slaughtered before it is 28 days old,

in either case, submission of the temporary calf passport is accepted as an application for a cattle passport in accordance with Article 28.

- (4) Where the calf is still alive, the Department must issue a passport within 14 days of receipt of the temporary calf passport showing details of all movements made by the calf as recorded on the temporary calf passport.
- (5) A calf may not move more than once between holdings, accompanied by the temporary calf passport. For the purpose of this article, movement between two holdings through a market counts as one movement.

35 Lost cattle passports and replacements

- (1) If a cattle passport is lost, stolen, destroyed or becomes illegible the keeper of the animal to which it relates must notify the Department in writing within 7 days of becoming aware of the fact and apply for a replacement.
- (2) The Department may only provide a replacement cattle passport if it is satisfied that the movements of the animal since —
 - (a) birth;
 - (b) importation; or
 - (c) in the case of cattle born or imported before 1st January 1998, registration,can be accurately reconstructed.
- (3) If the Department does not provide a replacement, the animal to which it relates —
 - (a) must not be used for human consumption; and
 - (b) must not be moved off a holding except (under the authority of a licence granted by the Department) to —

- (i) a plant approved under Article 24(1)(a), (b), (c) or (h) of Regulation (EC) No. 1069/2009⁵ of the European Parliament and of the Council; or
 - (ii) a registered collection centre which complies with Section 1 of Chapter II of Annex VI of Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council.
- (4) If a person who has obtained a replacement cattle passport subsequently finds the original cattle passport, that person must notify the Department within 7 days and enclose with the notification the original cattle passport.
- (5) Any person who fails to comply with any provision of this paragraph is guilty of an offence.

36 Confiscation of cattle passports

- (1) An officer of the Department may serve a notice on a keeper requiring the keeper to surrender a passport if—
- (a) there is no animal on the holding for that passport;
 - (b) the passport does not correctly describe the animal to which it purports to relate, or the passport was issued for a different animal;
 - (c) the ear tag number in the passport is different from the ear tag number on the animal;
 - (d) the movement details on the passport are not the same as the movement details on the database kept by the Department in accordance with this Order or in the records kept by the keeper in accordance with this Order;
- and any person who fails to comply with such a notice is guilty of an offence.
- (2) The Department may not return a passport until he is satisfied that the passport accurately describes an animal in the possession of the keeper and that the movement entries in the passport are accurate.

37 Lost or stolen animals

If an animal with a cattle passport is lost or stolen, the keeper must send the cattle passport to the Department within 7 days of becoming aware of the fact, together with written details of what has occurred, and failure to do so is an offence.

38 Exportation of cattle

- (1) When cattle are transported outside the Isle of Man to a destination within the European Union the transporter must ensure that each animal is

⁵ OJ L 300, 14.11.2009, p.1.

accompanied by its duly completed passport, and failure to do so is an offence.

- (2) When cattle are exported to third countries the keeper must surrender the cattle passports to the Department within seven days, and failure to do so is an offence.

PART 7 - GENERAL

39 Enforcement

- (1) This Order is enforced by the Department.
- (2) The Department may authorise officers to carry out functions for the purpose enforcing this Order.

40 Powers of authorised officers

- (1) An authorised officer may, on producing a duly authenticated document showing his authority, if required, at all reasonable hours enter any land or premises for the purposes of ascertaining whether there is or has been any contravention of—
 - (a) this Order;
 - (b) Title I of Regulation (EC) No. 1760/2000;
 - (c) Commission Regulation (EC) No 494/98;
 - (d) Commission Regulation (EC) No. 509/1999; and
 - (e) Commission Regulation (EC) No. 911/2004,and in this regulation “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.
- (2) The power to enter premises —
 - (a) only includes a power to enter domestic premises if such premises are being used in connection with the provisions in paragraph (1); and
 - (b) includes a power to enter premises by reasonable force if need be.
- (3) An authorised officer may carry out any actions necessary for the enforcement of the provisions in paragraph (1), and in particular may —
 - (a) collect, pen and inspect any cattle, and may require the keeper to arrange for the collection, penning and securing of cattle;
 - (b) take samples;
 - (c) examine any records in whatever form, and take copies of those records;

- (d) remove and retain any records or documents (including passports) relating to this Order;
- (e) have access to, and inspect and check the operation of, any computer and any associated apparatus or material that is or has been used in connection with records, and may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require;
- (f) where records are kept by means of a computer, require the records to be produced in a form in which they may be taken away;
- (g) require production of any unused ear tags and record their numbers; and
- (h) be accompanied by any other person the authorised officer considers appropriate.

41 Powers to restrict movements

In accordance with the second paragraph of Article 22(2) of Regulation (EC) No. 1760/2000, an authorised officer may serve a notice on a keeper of animals on a holding restricting the movement of cattle to or from the holding if the authorised officer is satisfied that this is necessary for the proper enforcement of —

- (a) this Order;
- (b) Regulation (EC) No. 1760/2000;
- (c) Commission Regulation (EC) No. 494/98;
- (d) Commission Regulation (EC) No. 509/1999; or
- (e) Commission Regulation (EC) No. 911/2004,

and any person who fails to comply with that notice is guilty of an offence under section 46 of the Act.

42 Slaughter of unmarked animals

The Department is the competent authority for the purposes of Article 1(2) of Commission Regulation (EC) No. 494/98 and Article 22(2)(d) of Regulation (EC) No 1760/2000.

43 Offences

- (1) A person who—
 - (a) obstructs any person acting in the execution of this Order;
 - (b) fails to comply with Article 7(3) of Regulation (EC) No 1760/2000 (provision of information);

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

is guilty of an offence under section 46 of the Act..

44 Offences by bodies corporate

- (1) Where a body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—
 - (a) any director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person who was purporting to act in any such capacity,he, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In this regulation “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

45 Revocations

- (1) The following are revoked in full —
 - (a) Marking and Cattle Records Order 1997⁶;
 - (b) Cattle Passports Order 1997⁷;
 - (c) Cattle Database Order 1998⁸;
 - (d) Cattle Passports (Amendment) Order 1999⁹;
 - (e) Marking and Cattle Records (Amendment) Order 1999¹⁰;
 - (f) Marking and Cattle Records (Amendment) Order 2003¹¹;
 - (g) Cattle Passports (Amendment) Order 2003¹²;

⁶ SD 604/97

⁷ SD 605/97

⁸ SD 561/98

⁹ SD 671/99

¹⁰ SD 672/99

¹¹ SD 66/03

¹² SD 67/03

- (h) Cattle Passports and Database (Amendment) Order 2003¹³; and
 - (i) Bovine Identification and Traceability (Amendment) Order 2016¹⁴.
- (2) The Bovine Identification and Traceability Order 2007¹⁵ is revoked with the exception of article 32(4) relating to replacement cattle passports.

MADE 23 SEPTEMBER 2019

¹³ SD 532/03

¹⁴ SD 2016/0316

¹⁵ SD 223/07

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Art 2 substituted by SD2019/0382.