

**DRAFT EUROPEAN COMMUNITIES LEGISLATION (IMPLEMENTATION) (CATTLE IDENTIFICATION)
(JERSEY) REGULATIONS 200-**

**Lodged au Greffe on 24th September 2002
by the Agriculture and Fisheries Committee**



STATES OF JERSEY

STATES GREFFE

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Explanatory Note

These Regulations provide for the administration and enforcement in Jersey of Title 1 of Council Regulation (EC) 1760/2000, which establishes a system for the identification and registration of bovine animals.

Eartags

Part 2 of the Regulations deals with eartags for cattle.

The Regulations provide for the enforcement of Article 4 of Council Regulations (EC) No. 1760/2000 relating to double eartagging of cattle (*Regulation 2*).

They specify the form of eartag to be used (*Regulation 3*), prohibit movement from a holding of an animal that is not properly tagged (*Regulation 4*) and provide for the removal and replacement of eartags (*Regulation 5*).

They provide for missing eartags at a slaughterhouse (*Regulation 6*) and tagging in the case of trade with member States of the European Community (*Regulation 7*).

They create an offence of altering an eartag (*Regulation 8*).

Cattle passports

Part 3 of the Regulations deals with cattle passports for animals born after the commencement of the Regulations.

The Regulations provide for the enforcement of the provision of Council Regulation (EC) No. 1760/2000 that relates to the movement of cattle without a cattle passport but only to the extent necessary to suit Jersey where the importation of cattle is prohibited.

Regulation 9 makes it an offence to export cattle to a member State of the European Union unless a cattle passport has been issued in respect of each animal and accompanies the animal.

Regulation 10 provides for applications for cattle passports and replacement passport while *Regulation 11* makes it an offence to alter a passport.

Records

Part 4 of the Regulations deals with records.

Regulation 12 and Schedule 2 enforce Article 7 of Council Regulation (EC) No. 1760/2000, which relates to keeping a register, the provision of information and production and retention of the register. It also provides for time limits for entries in a register.

General

Part 5 deals with the powers of inspectors, the provision of false information, offences, citation and commencement.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, the standard scale of fines is -

Level 1	£50
Level 2	£500
Level 3	£2,000
Level 4	£5,000.

Financial and manpower implications

These Draft Regulations have no implications for the financial or manpower resources of the States.

EUROPEAN COMMUNITIES LEGISLATION (IMPLEMENTATION) (CATTLE IDENTIFICATION) (JERSEY)
REGULATIONS 200-

PART 1

Introduction

1. Interpretation

PART 2

Eartags

2. Enforcement of Article 4 of the Council Regulation (eartags)
3. Form of eartags
4. Movement from a holding
5. Replacement eartags
6. Eartags missing at a slaughterhouse
7. Community trade
8. Alteration and storage of eartags

PART 3

Cattle Passports

9. Certain cattle to have passports
10. Application for a cattle passport
11. Alterations

PART 4

Records

12. Records

PART 5

General

13. Powers of inspectors
14. Powers to restrict movements
15. False information
16. Offences by bodies corporate
17. Citation and commencement

SCHEDULES

- Schedule 1 - Logo for eartags
Schedule 2 - Form of record of cattle movements

**European Communities Legislation (Implementation)
(Jersey) Law 1996**

EUROPEAN COMMUNITIES LEGISLATION (IMPLEMENTATION) (CATTLE IDENTIFICATION) (JERSEY)
REGULATIONS 200-

(Promulgated on the day of 200-)

STATES OF JERSEY

The day of 200-

THE STATES, in exercise of their powers under Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996,^[1] as amended,^[2] have made the following Regulations -

PART 1

INTRODUCTION

Interpretation

1.-(1) In these Regulations

“cattle” means bovine animals;

“cattle passport” means a document containing the information set out in Article 6.1 of Commission Regulation (EC) No. 2629/97 issued by the Committee;

“Committee” means the Agriculture and Fisheries Committee;

“the Council Regulation” means Council Regulation (EC) No. 1760/2000 (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97);

“holding”, in respect of cattle, means an establishment, construction or, in the case of an open-air farm, a place where the cattle are kept;

“inspector” means a person appointed to be an inspector for the purposes of these Regulations by the Committee;

“keeper”, in respect of cattle, means the person responsible for the cattle, whether on a permanent or on a temporary basis, but does not include the operator of the slaughterhouse.

(2) An approval, licence or notice issued under these Regulations, the Council Regulation or Commission Regulation (EC) No. 2629/97-

- (a) must be in writing;
- (b) may be made subject to conditions; and
- (c) may be amended or revoked by notice in writing at any time.

(3) A reference in these Regulations to a Regulation or a Schedule by number only is a reference to the Regulation or Schedule of that number contained in these Regulations.

(4) A reference in a Regulation to a paragraph by number only is a reference to the paragraph of that number in

the Regulation.

PART 2

EARTAGS

Enforcement of Article 4 of the Council Regulation (eartags)

2.-(1) The Committee is the competent authority for the purposes of approving eartags for the purposes of Article 4.1 of the Council Regulation.

(2) Accordingly the Committee must allocate unique identification codes for the purposes of that Article that conform with the paragraphs 1 and 2 of Article 1 of Commission Regulation (EC) No. 2629/97.

(3) The person responsible for identifying cattle by means of an eartag applied to each ear in accordance with Article 4.1 of the Council Regulation is their keeper.

(4) In accordance with Article 4.2 of the Council Regulation the keeper must apply an eartag to an animal within 36 hours of its birth and a further eartag to the animal's other ear within 20 days of its birth.

(5) A person who fails to comply with the requirement in Article 4.1 of the Council Regulation to apply an eartag within the period specified in paragraph (5) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.^[3]

Form of eartags

3.-(1) An eartag applied under these Regulations must be of a type approved by the Committee.

(2) In accordance with paragraphs 1 and 2 of Article 1 of Commission Regulation (EC) No. 2629/97, both eartags must bear -

(a) the logo specified in Schedule 1;

(b) the letter "UK"; and

(c) the unique number allocated by the Committee.

(3) Each of the 2 parts of an eartag must bear the same information.

(4) The power in Article 4 of Commission Regulation (EC) No. 2629/97 (a power to choose other material or model for the second eartag) may be exercised by the Committee.

Movement from a holding

4. A person who moves an animal from a holding in breach of the third paragraph of Article 4.2 of the Council Regulation (animal to be tagged within certain time and in any case before it is moved from the holding on which it was born) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.^[4]

Replacement eartags

5.-(1) The Committee is the competent authority for the purposes of Article 4.5 of the Council Regulations.

(2) A person who removes or replaces an eartag in contravention of Article 4.4 or 4.5 of the Council Regulation shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.⁴

(3) If the keeper of cattle discovers that an eartag applied under these Regulations to one of the animals has become illegible or been lost the keeper must replace it with an eartag of the same type and bearing the same number within 28 days of the discovery.

(4) A person who fails to comply with paragraph (3) shall be guilty of an offence and liable to a fine not

exceeding level 4 on the standard scale.⁴

Eartags missing at a slaughterhouse

6.-(1) The operator of the slaughterhouse must not, except with the approval of the Committee, slaughter for human consumption an animal that should, in accordance with these Regulations, be tagged with 2 eartags if it has only one eartag.

(2) The operator of the slaughterhouse must not slaughter for human consumption an animal that should, in accordance with these Regulations, be tagged with 1 or 2 eartags if it has no eartags.

(3) The operator must instead seek the directions of the Committee and then act in accordance with those directions.

Community trade

7.-(1) A person must not consign cattle to a destination within the European Union unless each animal is tagged in each ear with an eartag approved by the Committee in accordance with Article 4.1 of the Council Regulation.

(2) A person who contravenes paragraph (1) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.^[5]

Alteration and storage of eartags

8.-(1) A person must not alter, obliterate or deface the information on an eartag approved under Article 4.1 of the Council Regulation

(2) A person who contravenes paragraph (1) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.⁵

(3) A person who has possession of unused eartags issued for the purposes of these Regulations must keep them in a secure place.

(4) A person who fails to comply with paragraph (3) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.⁵

PART 3

CATTLE PASSPORTS

Certain cattle to have passports

9.-(1) This Regulation applies to cattle born in Jersey after the commencement of these Regulations.

(2) A person must not export cattle to a destination within the European Union unless a cattle passport has been issued in respect of each animal.

(3) A person who fails to comply with paragraph (2) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.^[6]

(4) A person who transports cattle to a destination within the European Union must ensure that each animal is accompanied by its cattle passport.

(5) A person who fails to comply with paragraph (4) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.⁶

(6) A cattle passport issued in accordance with these Regulations remains the property of the Committee and must be produced or surrendered to the Committee upon demand.

(7) A person who fails to comply with a demand made in accordance with paragraph (6) shall be guilty of an

offence and liable to a fine not exceeding level 4 on the standard scale.⁶

Application for a cattle passport

10.-(1) An application for a cattle passport must be made to the Committee on a form provided or approved for that purpose by the Committee.

(2) If a cattle passport is lost, stolen or destroyed, the keeper of the animal to which the passport relates must notify the Committee within 14 days of becoming aware of the fact.

(3) A person who fails to comply with paragraph (2) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.⁶

(4) If the Committee is satisfied that a cattle passport has been lost, stolen or destroyed it may provide a replacement.

(5) If a person who has obtained a replacement cattle passport subsequently finds the original, the person must, within 7 days of doing so, notify the Committee and send the original passport to the Committee.

(6) A person who fails to comply with paragraph (3) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.^[7]

Alterations

11.-(1) A person must not alter or deface the information contained in a cattle passport.

(2) A person who contravenes paragraph (1) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale⁷ or imprisonment for a term not exceeding 12 months, or both.

PART 4

RECORDS

Records

12.-(1) A person who contravenes or fails to comply with any of the following provisions of the Council Regulation or, in the case of a register, fails to complete and keep that register in accordance with this Regulation, shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale⁷ -

- (a) Article 7.1, (keeping of a register and reporting of events for computerised database);
- (b) Article 7.3 (provision of information);
- (c) Article 7.4 (production and retention of the register).

(2) The period for the purpose of Article 7.1, second indent, (notification of certain events for purpose of computerised database) is 7 days of the movement of the animal to or from a holding, or of the birth or death of the animal.

(3) The Committee is the competent authority for the purposes of Article 7 of the Council Regulation.

(4) For the purposes of Article 7.4 of the Council Regulation, the register must be substantially in the form set out in Schedule 2 to these Regulations.

(5) It must contain the information specified in Article 8 of Commission Regulation (EC) No. 2629/97.

(6) It must be completed at the following times -

- (a) in the case of the movement of an animal on or off a holding, within 36 hours of the movement;
- (b) in the case of the birth of an animal, within 7 days of the birth;

(c) in the case of the death of an animal, within 7 days of the death.

(7) For the purposes of Article 7.4 of the Council Regulation, the register under paragraph (3) must be kept for 10 years from the end of the year in which the last entry was made in it.

PART 5

GENERAL

Powers of inspectors

13.-(1) An inspector on producing, if required to do so, his or her document of appointment, may enter land or premises to ascertain if there is or has been a contravention of these Regulations.

(2) An inspector may carry out all checks and examinations necessary to enforce Title I of the Council Regulation and Commission Regulation (EC) No. 2629/97.

(3) In particular an Inspector may -

- (a) collect, pen and inspect cattle, or require their keeper to do so;
- (b) examine a record relating to these Regulations in whatever form it is and take a copy of it;
- (c) remove and retain a document or record relating to these Regulations;
- (d) access a computer used to store a record relating to these Regulations and require a person concerned with the operation of the computer to provide the inspector with any assistance the inspector may require to do so;
- (e) require a person concerned with the operation of a computer to produce in a form in which it may be taken away a record relating to these Regulations that is stored on the computer;
- (f) require a person to produce any unused eartags the person may have and record their numbers.

(4) When carrying out a function under this Regulation the Inspector may take with him or her any person the Inspector considers necessary for the enforcement of these Regulations.

(5) A person who -

- (a) hinders or obstructs an Inspector or other person carrying out a function under this Regulation; or
- (b) fails to comply with a requirement made in accordance with paragraph (3),

shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.^[8]

(6) In this Regulation “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft but does not include domestic premises not being used in connection with these Regulations.

Powers to restrict movements

14.-(1) An inspector, acting in accordance with the second paragraph of Article 22 of the Council Regulation, may serve a notice on a keeper of cattle on a holding restricting their movement from the holding if the inspector is satisfied that it is necessary to do so for the proper enforcement of that Regulation or Commission Regulation (EC) No. 2629/97.

(2) A person who fails to comply with a notice served on the person in accordance with paragraph (1) shall be guilty of an offence and liable to a fine.

False information

15.-(1) A person must not provide information for any purpose of these Regulations that the person knows to be false or misleading.

(2) A person who contravenes paragraph (1) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale⁸ or imprisonment for a term not exceeding 12 months, or both.

Offences by bodies corporate

16.-(1) If a body corporate is guilty of an offence under these Regulations, and the offence is proved to have been committed with the consent or connivance of, or to have been attributable to neglect on the part of -

- (a) a director, manager, secretary or other similar officer of the body corporate; or
- (b) a person who was purporting to act in any such capacity,

he or she, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1), “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) A person who aids, abets, counsels or procures the commission of an offence under these Regulations shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.

Citation and commencement

17. These Regulations may be cited as the European Communities Legislation (Implementation) (Cattle Identification) (Jersey) Regulations 200- and shall come into force seven days after they are made.

SCHEDULE 1

(Regulation 3)

LOGO FOR EARTAGS



SCHEDULE 2

(Regulation 12)

FARM REGISTER TO RECORD NOTIFIABLE EVENTS To include: all BIRTHS / DEATHS / MOVEMENTS ON & OFF HOLDING		Particulars of Animal		In the case of a birth		In the case of a movement, either		In the case of a		When replacing Ear Tag	
Date of Birth or other event	Ear Tag No.	Sex	Brd	Dams Ear Tag No.	Holding Moved From	Holding Moved To	death on farm put DEAD	confirm No. here			
			♂								
			♀								
			♀								
			♀								

Official use only:
This Register was checked by an Inspector appointed by the Competent Authority on
Date.....
Name.....
Signature.....

Name & Address of Keeper/keeping record -
.....
Holding No.....

* JE - Jersey Breed

[1] Recueil des Lois, Volume 1996-1997, page 4.

[2] Recueil des Lois, Volume 2000, page 29.

[3] Recueil des Lois, Volume 1992-1993, page 437.

[4] Recueil des Lois, Volume 1992-1993, page 437.

[5] Recueil des Lois, Volume 1992-1993, page 437.

[6] Recueil des Lois, Volume 1992-1993, page 437.

[7] Recueil des Lois, Volume 1992-1993, page 437.

[8] Recueil des Lois, Volume 1992-1993, page 437.