

S.I No. 792 of 2005

European Communities (Goat Identification) Regulations 2005

I, Mary Coughlan, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving full effect to Council Regulation (EC) No. 21/2004 of 17 December 2003¹, in so far as it relates to animals of the caprine species, hereby make the following Regulations -

Citation

1. These Regulations may be cited as the European Communities (Goat Identification) Regulations 2005.

Interpretation

2. (1) In these Regulations -

“ear-tag” means an ear-tag approved under Regulation 6;

“authorised officer” means-

- (a) an authorised officer appointed under the Diseases of Animals Act 1966 (No. 6 of 1966) (inserted by section 17A of the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)),
- (b) a person appointed under Regulation 13,
- (c) a member of An Garda Síochána, or
- (d) an officer of Customs and Excise;

“District Veterinary Office” means a district veterinary office of the Department of Agriculture and Food;

“EC Regulation” means Regulation (EC) No. 21/2004 of the European Parliament and of the Council of 17 December 2003;

“goat identification number” means the number on an ear-tag attached to a goat that is specific to that goat;

¹ O.J. No. L005, 9.1.2004, p. 8

“holding identification number” means a number issued in respect of a holding pursuant to Regulation 3;

“Minister” means the Minister for Agriculture and Food;

“registered veterinary practitioner” means a person registered in the register established under the Veterinary Surgeons Act 1931 (No. 36 of 1931).

(2) (a) In these Regulations a reference to a Regulation is to a Regulation of these Regulations, unless it appears that reference to some other enactment is intended.

(b) In these Regulations a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

Registration of holdings

3. (1) A person shall not hold or keep a goat on a holding unless he or she and the holding are registered for the purposes of Article 7 of the EC Regulation (“register of goat holdings”).
- (2) The Minister may enter a person’s name and the particulars of his or her holding on the register of goat holdings (in this Regulation referred to as “the register”), refuse an application or revoke a registration.
- (3) An application for registration shall be made to the District Veterinary Office for the area in which the holding is situated and shall be made in a form and contain the information that the Minister may specify.
- (4) Without prejudice to the generality of paragraph (2), the Minister may refuse an application or revoke a registration if—
- (a) he or she is satisfied that the EC Regulation or these Regulations have not been or will not be complied with,
 - (b) the applicant or registered person has been convicted of or committed an offence, whether he or she has been convicted or not, under an enactment relating to animals, animal health or public health.
 - (c) the applicant or registered person is not, in the opinion of the Minister, a fit and proper person to be registered,
 - (d) in relation to the application, information required has not been furnished or information that is, in the opinion of the Minister, false or misleading in a material particular has been furnished, or

- (e) it is necessary, in the opinion of the Minister –
 - (i) to prevent the risk or spread of disease,
 - (ii) to eradicate disease, or
 - (iii) is necessary, incidental, supplementary or consequential for the purposes of giving effect to an act of the institutions of the European Communities.
- (5) Without prejudice to the generality of paragraph (2), the Minister shall refuse an application or revoke registration if the applicant or registered person has been convicted, on indictment, of an offence relating to an animal, animal health or public health.
- (6) Other than in the case of refusal under paragraph (5) or (7), if the Minister proposes to revoke a registration, or to refuse an application, he or she shall —
 - (a) notify the person concerned in writing of the proposal and of the reasons therefor, and that he or she may make representations to the Minister in relation to the proposal within 14 days of the notification,
 - (b) consider a representation made before deciding whether to proceed with, modify or annul the proposal, and
 - (c) notify the person concerned of the decision and the reasons therefor.
- (7) If the Minister is of the opinion that it is necessary to prevent the risk of disease or to give effect to an act of an institution of the European Communities, he or she may revoke a registration in accordance with paragraph (8).
- (8) If the Minister revokes a registration in accordance with this paragraph, he or she shall —
 - (a) notify the person concerned in writing of the decision and the reasons therefor, and that he or she may make representations to the Minister in relation to the decision within 14 days of the date of the notification,
 - (b) consider a representation made, and
 - (c) confirm, modify or annul the decision and notify the person concerned of the decision and the reasons therefor.
- (9) A person to whom a registration is granted shall make such returns to the Minister as and when, and in a form that, the Minister may direct.
- (10) The Minister may establish and maintain the register in a form that is not legible if it is capable of being converted into a legible form.

(11) A certificate purporting to be signed by an officer of the Minister and to certify that –

- (a) on a specific day or days or during the whole of a specified period a particular person or holding did not stand registered, or
- (b) on a specific day the registration of a particular person or holding had been revoked,

shall, without proof of the signature of the person purporting to sign the certificate or that he or she was an officer of the Minister, be evidence, unless the contrary is shown, of the matters stated in the certificate.

(12) If, in relation to a holding-

- (a) there is a change in the person holding or keeping the goats on the holding, or,
- (b) all goats on the holding are slaughtered, sold or otherwise disposed of,

the entry in the register relating to that holding is void and of no effect.

(13) (a) A person to whom a herd number has been allocated for the purposes of the Bovine Tuberculosis (Attestation of the State and General Provisions) Order 1989 (S.I. No. 308 of 1989) is deemed to have applied for registration of the holding and the herd number so issued is deemed to be a holding identification number for goats on the holding to which the herd number relates.

(b) A person to whom a number has been allocated for the purposes of the Goat Headage Payments Scheme in Disadvantaged Areas is deemed to have applied for registration of the holding and the number so issued is deemed to be a holding identification number for goats on the holding to which the herd number relates.

(14) Notwithstanding paragraph (13), the Minister may issue or cause to be issued a holding identification number which varies according to the species of animal held or kept on a holding.

Movement

4. A person shall not move, nor cause nor permit to be moved, a goat from a holding unless at the time of movement-

- (a) the holding is entered in the register of goat holdings
- (b) the goat has attached to its ears ear-tags of a type approved by the Minister in accordance with Regulation 7 and which bear the holding identification number issued in respect of a holding and a goat identification number, and
- (c) the goat is accompanied by a movement document completed and signed by the holder or keeper of the goat.

Possession of animals

- 5. (1) A person shall not hold or keep a goat born after 9 July 2005 on a holding unless the goat, being over 6 months of age, has approved ear-tags (which bear the holding identification number relating to a holding and the goat identification number relating to the goat) attached to each of its ears.
- (2) Notwithstanding paragraph (1) a person shall not move a goat off a holding unless the goat has an approved ear-tag (which bear the holding identification number relating to a holding and the goat identification number relating to the goat) attached to each of its ears.

Approval of ear-tags

- 6. (1) A person shall not manufacture, sell or supply an ear-tag unless the ear-tag is approved by the Minister for the purposes of the EC Regulation.
- (2) The Minister may grant approval to a manufacturer or supplier of approved ear-tags for the purposes of the EC Regulation.
- (3) The Minister may attach such conditions to the approval of manufacturers and suppliers as he or she may deem necessary or may vary or revoke such conditions.
- (4) Approval granted to a manufacturer or supplier in accordance with paragraph (2) may be withdrawn by the Minister where he or she is satisfied that the conditions of approval have not been or are not being complied with.
- (5) If the Minister proposes to refuse to approve or withdraw approval from a manufacturer or supplier under this Regulation or attach a condition to an approval under this Regulation or vary or revoke such a condition he or she shall -
 - (a) notify the person concerned in writing of the decision and the reasons therefor, and that he or she may make representations to the Minister in relation to the decision within 14 days of the date of the notification,

- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the person concerned of the decision and the reasons therefor.

Record-keeping - herdowners

- 7. (1) A person who holds or keeps a goat shall maintain a written record containing the information specified in section B of the Annex to the EC Regulation.
- (2) A person who holds or keeps a goat shall keep a record in writing of all deaths of tagged goats and of all ear-tags attached to goats in replacement of lost tags within seven days of these events.
- (3) A person who holds or keeps a goat shall annually conduct a census on his or her holding on a date to be specified by the Minister.
- (4) A person who holds or keeps a goat shall keep the records maintained under this Regulation for a period of three years following the end of the year to which the record relates.
- (5) The Minister may specify the format in which records required to be kept by this Regulation shall be kept and, where he or she does so, records shall be kept in the format so specified.

Movement document

- 8. (1) A person shall not move a goat from a holding unless it is accompanied by a document ("movement document"), completed by him or her, that conforms with section C of the Annex to the EC Regulation.
- (2) The Minister may specify the format of the movement document referred to in paragraph (1) and, where he or she does so, the holder or keeper of a goat shall ensure that the movement document is furnished in the format so specified.
- (3) If a goat is moved to a market or collection centre, at the time of movement, the holder or keeper of the goat shall furnish the operator of the market or collection centre with the movement document.
- (4) If a goat is sold directly to a purchaser, at the time of movement, the holder or keeper of the goat shall furnish the purchaser with the movement document.
- (5) (a) A person to whom a movement document is furnished shall keep the movement document for a period of three years following the end of the year in which the document was received.

- (b) A person who holds or keeps a goat and who furnishes a movement document shall keep a copy of the document for a period of three years following the end of the year in which the document was furnished.

Movement document - markets

- 9. (1) A person who purchases a goat at a market shall –
 - (a) ensure that the goat is accompanied, while it is being moved from the market to the holding of destination, with a movement document that relates to the goat, stating the lot number relating to the purchase concerned.
 - (b) furnish the owner or person in charge of the holding of destination with the document referred to in subparagraph (a).
- (2) A person to whom a movement document is furnished shall keep the document for a period of three years following the end of the year in which the document was received.

Responsibilities of markets

- 10. The owner or person in charge of a market shall-
 - (a) not accept a goat for sale unless it is identified in accordance with these Regulations,
 - (b) not accept a goat for sale unless it is accompanied by a movement document,
 - (c) insert the relevant sale details on the movement document,
 - (d) supply the purchaser of a goat with a copy of the completed movement document relating to the goat, and
 - (e) retain a copy of the completed movement document for a period of three years following the end of the year in which the document was received.

Responsibilities of slaughter-plants

- 11. The owner or person in charge of a slaughter-plant shall-

- (a) take reasonable steps to satisfy himself or herself of the provenance of animals presented for slaughter,
 - (b) not accept a goat for slaughter unless it is identified in accordance with these Regulations,
 - (c) not accept a goat for slaughter unless it is accompanied by a movement document,
 - (d) retain a copy of the completed movement document for a period of three years following the end of the year in which the document was received.
 - (e) in the case of each consignment of goats which enter onto the premises, record
 - (i) the time of the entry,
 - (ii) the registration number of the vehicle carrying the goats,
 - (iii) the name of the person who delivers the goats, and
 - (iv) the place from which the goats were collected.
- and,
- (f) dispose of an ear-tag removed in the slaughter-plant in a manner specified by the Minister.

Ear-tag removal

12. (1) A person (other than an authorised officer in the exercise of his or her functions or a registered veterinary practitioner authorised by the Minister so to do) shall not remove an ear-tag attached to a live goat.
- (2) A person who holds or keeps a goat shall, if an ear-tag previously attached to a goat is lost or becomes illegible, replace it with an ear-tag bearing the same holding identification number and goat identification number.
- (3) If an ear-tag which is lost is replaced on a live animal, the holder or keeper of the goat shall record full details of the replacement in the records required to be kept in accordance with Regulation 7.

Appointment of authorised officers

13. (1) The Minister may appoint in writing such and so many persons as he or she thinks fit to be authorised officers.

- (2) (a) An authorised officer shall be furnished with a warrant of his or her appointment.
- (b) When exercising a power conferred on him or her under these Regulations an authorised officer shall, if requested by any person affected, produce the warrant to that person for inspection.

Powers of authorised officers

- 14. (1) An authorised officer may -
 - (a) at all reasonable times, enter any premises where he or she has reason to believe there is a goat, ear-tags, documents or records relating to a goat and inspect the premises,
 - (b) require any person in charge of the premises to produce to him or her any documents, records (and in the case of such information in a non-legible form to reproduce it in permanent legible form) or ear-tags relating to a goat and to give to him or her such information as he or she may reasonably require,
 - (c) inspect and take copies of, or take extracts from, any such documents or records including in the case of information in a non-legible form a copy of or extract from such information in permanent legible form in whatever form kept,
 - (d) there or at any other place carry out such inspections as the officer considers appropriate and, if the officer so thinks fit, remove or have removed from there any documents, records or ear-tags and retain them for a reasonable period to facilitate such inspection,
 - (e) secure for later inspection the premises or part of it,
 - (f) seize and detain (for as long as is necessary) a goat, or
 - (g) dispose of, or require the holder or keeper of a goat to dispose of it in such manner (including slaughter) as the authorised officer sees fit.
- (2) An authorised officer shall not, other than with the consent of the occupier, enter a private dwelling unless he or she has obtained a warrant from the District Court under paragraph (5) authorising such entry.
- (3) An authorised officer, where he or she considers it necessary, may be accompanied by a member of An Garda Síochána when performing any powers conferred on an authorised officer by this Regulation.

- (4) A member of An Garda Síochána not in uniform, when exercising any such power, shall, if so requested by any person affected, produce evidence in writing that he or she is such a member or officer.
- (5) If a judge of the District Court is satisfied, on the sworn information of an authorised officer that there are reasonable grounds for suspecting that there is a goat on any premises, the judge may issue a warrant authorising an authorised officer, accompanied, if appropriate, by other authorised officers or by a member or members of An Garda Síochána at any time or times within one month from the date of issue of the warrant, on production of the warrant requested, to enter those premises or part of it, if need be by reasonable force, and exercise all or any of the powers conferred on an authorised officer under these Regulations.

Failure to comply with requirements

- 15. (1) A person who –
 - (a) obstructs or otherwise interferes with an authorised officer in the performance of his or her duties,
 - (b) without lawful excuse, refuses or fails to comply with a request of an authorised officer,
 - (c) gives information to an authorised officer that the person knows to be false or misleading in a material respect,
 - (d) contravenes Regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 or 16, or
 - (e) contravenes Articles 4, 5 or 6 of the EC Regulation,commits an offence and is liable on conviction to a fine not exceeding €3,000 or up to six months imprisonment or both.
- (2) An offence under these Regulations may be prosecuted by the Minister.
- (3) Where an offence under these Regulations is committed by a body corporate and is proven to have been so committed with the consent, connivance or approval of or to have been attributable to the wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purported to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she was guilty of the offence.

Forgery

- 16. A person shall not-
 - (a) in purported compliance with these Regulations include in a record or document a particular which he or she knows to be false or does not

know to be true or recklessly include in such a record, document or label, as the case may be, a particular which is false or which he or she does not know to be true,

- (b) efface, obliterate or alter any ear-tag attached or applied pursuant to these Regulations or attach or apply an ear-tag which could be confused with any ear-tag so attached or applied,
- (c) have in his or her possession an animal bearing an ear-tag which could be confused with any ear-tag attached pursuant to these Regulations.

Fixed penalty notice

18. (1) If an authorised officer has reasonable grounds for believing that a person is committing or has committed an offence under these Regulations he or she may serve a notice in writing on that person stating that –

- (a) the person is alleged to have committed the offence,
- (b) the person may during the period of 28 days from the date of the notice make to the Minister a payment of €100 accompanied by the notice, and
- (c) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) If notice is given under paragraph (1) –

- (a) The person to whom the notice applies may, during the period specified in the notice, make to the Minister at the address specified in the notice the payment specified in the notice accompanied by the notice.
- (b) The Minister shall receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it.
- (c) A prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In a prosecution for an offence under Regulation 15 the onus of proving that a payment pursuant to a notice under this regulation has been made lies on the defendant.

GIVEN under my Official Seal,

December, 2005

Mary Coughlan
Minister for Agriculture and Food.

Explanatory Note

These Regulations provide for the implementation of a goat identification system as required by Council Regulation (EC) No. 21/2004.