

EXECUTIVE COUNCIL

CONFIDENTIAL

Title of Report: Livestock and Meat Products Bill and subsidiary legislation

Paper No: 243/10

Date: 21 October 2010

Report of: Senior Veterinary Officer
Legislative Drafter

1.0 Purpose

The purpose of this paper is to seek Executive Council's approval for:

- (a) a new Livestock and Meat Products Bill to enable compliance with all the relevant EU legislation required for the entry of meat and animal products into the EU from third countries (such as the Falkland Islands);
- (b) an initial tranche of three sets of regulations to be made under the proposed new powers to introduce an EU-compliant system for livestock identification and movement.

2.0 Recommendations

2.1 Executive Council is recommended to approve:

- (a) the publication in the *Gazette* of the Livestock and Meat Products Bill (a draft of which is attached);
- (b) the presentation of the Bill to the Legislative Assembly at its session in November 2010; and

Recommendation 2.2 is still under discussion

2.2 Executive Council is also recommended to advise the Governor (subject to the Bill being passed) to make the following three sets of regulations (drafts of which are attached):

- (1) Livestock and Meat Products (Identification and Movement of Cattle) Regulations
- (2) Livestock and Meat Products (Identification and Movement of Pigs) Regulations
- (3) Livestock and Meat Products (Identification and Movement of Sheep) Regulations

3.0 Summary of Financial Implications

None

4.0 Background

4.1 In order to be able to export meat and animal products to the EU, it is necessary for the exporting country to comply with various EC directives and regulations which are made from time to time. Currently, this is done in the Falkland Islands under the Abattoirs Ordinance 1997 but the way in which this was written has made it difficult to introduce new Falkland Islands regulations as and when required. The result is that the legislation under which meat and animal products are being exported to the EU is now woefully out of date and this could have serious consequences for future exports to the EU. Specifically, the Falkland Islands' export status is compromised (and possibly even jeopardised) by the current state of our legislation.

4.2 All countries which export meat and animal products to the EU are periodically audited by inspectors from the Food and Veterinary Office (FVO). The FVO is based in Ireland but is a section of DG SANCO (the EU's Health and Consumer Affairs Directorate General), which is based in Brussels. The last such inspection to occur in the Falkland Islands was in February 2007 when 2 inspectors came to audit the export of fishery products from the Falkland Islands into the EU. Although their main task was to look at fishery related matters they also took the opportunity of looking at various aspects connected with the export of meat and animal products and noted amongst other things that our legislation with regard to meat and animal products did not comply with EU requirements. An undertaking was given by the FIG at that time that our legislation would be updated in order to comply with EU requirements in this area.

4.3 A visit was scheduled for April 2010 for 2 inspectors from the FVO to audit all aspects of the production and export of meat and animal products from the Falkland Islands. At that time they would have been checking on whether the FIG had complied with its undertaking given in 2007 to update and upgrade its internal legislation dealing with the export of meat and animal products to the EU. Owing to the April 2010 volcanic eruption in Iceland, the 2 inspectors were unable to make their flight from Dublin at that time and, by the time the volcanic ash had settled, the export season at the Sand Bay abattoir had come to an end.

4.4 Although not yet confirmed, it is likely that the 2 inspectors will now visit the Falkland Islands in either February or March 2011 to carry out their audit. It would be a positive step for the FIG to have introduced the proposed Bill and embarked on the process of introducing before the inspectors arrive.

4.5 The proposed Livestock and Meat Products Bill 2010 would provide a broad but flexible enabling power allowing for a series of regulations to be made and (just as importantly) kept up to date. These regulations would have to cover a whole range of issues dealing with: how animals are reared and treated on farm;

how they are transported between farms or to the abattoir; and how they are subsequently dealt with there during the slaughter and meat production process.

4.6 The first tranche of regulations it is proposed to make would introduce new livestock identification and movement regimes for cattle, pigs and sheep. The ability to trace livestock is essential for the purposes of maintaining the Falkland Islands' EU export status as part of the requirement for traceability throughout the entire food chain – a catchphrase often used to describe this is “from farm to fork”.

4.7 Until now, there have been only very basic requirements indeed for the identification of cattle (under the rather elderly Livestock Ordinance) and none for pigs. The requirements for sheep (under the Livestock Ordinance and the Animal Health (Livestock Movement and Identification) (Provisional) Regulations) are a little less basic but are still inadequate. FIMCo has attempted to operate a more rigorous tracing system for animals being slaughtered for export – however, this has not had a statutory basis.

4.8 The new regulations would allow for the phased introduction of a new cattle passport regime in which individual cattle can be identified and traced throughout their lives. This meets a key requirement for being able to export to the EU. However, the proposed system has also been also tailored to the characteristics of agriculture here and it is less elaborate than the cattle passport system in the UK.

4.9 There is already an identification and movement regime for sheep, based on the use of temporary movement tags and waybills. These regulations would be revoked and replaced with new arrangements based on permanent ear tags (linked to holdings rather than individual sheep) and movement certificates. Again, this is less elaborate than the systems operated in the UK (where electronic identification of individual sheep is being introduced) but it still meets the requirements for EU exports.

4.10 The regime proposed for pigs would be the same as that for sheep but, unlike for sheep, it does not replace an existing regime.

4.11 Over the past 2 years, farmers have had several opportunities to voice their views and opinions on the proposed identification and registration of cattle within the Falkland Islands. In the very early stages, a questionnaire was sent out to all livestock owners in order to elicit what form of identification and recording systems they were already using on their farms and the information gathered from this formed the basis of the proposed national cattle identification and registration scheme. The proposed system was described by Zoe Luxton during a Farmers Week presentation in July 2009 and this has been followed up with a series of related articles in the *Wool Press*. The proposed scheme has also been discussed at a meeting of the Agricultural Advisory Committee and it has been brought to the attention of the wider public by an article and related correspondence in the *Penguin News*.

4.12 It is considered that the proposals strike an appropriate balance and are essential if we are to meet the requirements for retaining EU export status and if

the FIMCo abattoir is to be able to develop its business in the way that MLAs have decided it should do by being able to export meat to the EU and elsewhere.

5.0 Financial Implications

None

6.0 Legal Implications

Introduction

6.1 This section does not contain a line by line analysis of the draft Bill or of the draft regulations (see the Objects and Reasons sections at the end of the draft Bill and the Explanatory Notes at the end of each set of regulations). However, this section does contain a summary of the key issues.

Summary of the key points in the Bill

6.2 The Bill is intended to be as flexible as necessary and future proof as possible, whilst maintaining the necessary safeguards that will inspire confidence in the EU inspectors and protect the EU-approved status of the Falkland Islands and the abattoir at Sand Bay.

6.3 If it is approved by Executive Council and passed by the Legislative Assembly, the Bill would achieve the following:

- (a) It would introduce a power (replacing the existing power under the Abattoirs Ordinance) to designate abattoirs for export production and for different provisions to apply at designated abattoirs and elsewhere (eg for Camp kill) – as matters stand, the FIMCo plant at Sand Bay would remain the only designated abattoir (see clauses 3(2) and 4(4)).
- (b) It would create a new power to designate an export season and a domestic season during which different provisions could apply (see clauses 3(5) and 4(3)).
- (c) It would also define domestic purposes and different provisions could apply for domestic purposes and export (see clauses 3(4) and 4(5)).
- (d) At the heart of the legislation would be a very broad power for the Governor to make regulations in relation to a wide range of matters relevant to livestock and meat products, in order to implement EU requirements for exports but also to regulate production for domestic purposes – this could be done in a number of ways: by applying EU legislation directly; by adopting legislation from the UK; by means of provisions specific to the Falkland Islands; or by a combination of these approaches (see: clauses 4(1) and (6); and clauses 5, 6, 8 and 9).
- (e) The power could also be used to repeal existing Falkland Islands legislation or disapply imperial legislation (see clause 11).

Key issues

6.4 The power that would be granted to the Governor would be very broad indeed. However, this is the only way to build in the necessary flexibility to enable Falkland Islands legislation not just to be brought into line with EU legislation but also for it to be kept up to date.

6.5 This might seem to be a sweeping attack on MLAs' powers and those of the Legislative Assembly. However, safeguards already exist and further safeguards are also being explored:

- Under the Constitution, the Governor must normally seek and follow the advice of the Executive Council before making subsidiary legislation.
- The Standing Orders of the Legislative Assembly and section 35 of the Interpretation and General Clauses Ordinance both allow for scrutiny of subsidiary legislation (such as regulations made under the proposed new power) after it has been made.
- Work is being carried out in relation to proposals to provide MLAs with better scope for scrutiny of subsidiary legislation – this will be particularly relevant for the power proposed in the Livestock and Meat Products Bill but it is also relevant more generally to the ongoing process of building upon the new Constitution.

6.6 The ability to differentiate between different categories of production is consistent with EU requirements for exports. It is not intended to undermine protection of animal or human health. What it would do is create flexibility so that exports are protected but requirements that are not relevant to domestic production (including Camp kill) do not apply to it.

6.7 The approach that has been adopted will also allow limited resources (within The Attorney General's Chambers and the Department of Agriculture both have limited resources. The proposed approach will allow them to be used effectively in a phased programme of replacing existing legislation with EU-compliant legislation.

6.8 The next priority will be to update the legislation relating to meat hygiene requirements.

Legislative programme and priority

6.9 A Livestock and Meat Products Bill was included in the Legislative Programme announced in the Governor's speech in May 2010. Legislation for the abattoir is also one of the key legislative priorities that was agreed with MLAs. Although further work will be phased (to make the best use of resources and accommodate other priorities), it is being taken forward and that will continue to be the case.

Draft subsidiary legislation

6.10 It has been to produce the first three sets of regulations, so that Executive Council has the opportunity to consider them as part of a package and as examples of the legislation to be adopted under the proposed new power.

6.11 Even when the Bill becomes an Ordinance, it will not come into force immediately. However, the Governor would have the power to make the subsidiary legislation at the same time as giving assent. This would mean that all of the legislation could be published in the *Gazette* at the same time.

6.12 For that reason, Executive Council is being asked to approve the draft subsidiary legislation in principle and to advise the Governor now to make it as soon as the Bill is passed.

Coming into force date

6.13 The Bill is an enabling provision, so it is proposed that it should come into force at the earliest possible opportunity (ie on publication in the *Gazette*).

6.14 In the case of the livestock identification and movement legislation, it is considered that a lead in period is needed and that new regime should come into force on 1 January 2012. However, some of the provisions need to come into force sooner and it is suggested that these should come into force when the regulations are published in the *Gazette*.

7.0 Human Resources Implications

None

Livestock and Meat Products Bill 2010

(No: of 2010)

ARRANGEMENT OF PROVISIONS

INTRODUCTORY

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LIVESTOCK AND MEAT PRODUCTS BILL 2010

(No: of 2010)

(assented to: 2010)
(commencement: on publication)
(published: 2010)

A BILL

for

AN ORDINANCE

To provide for: the regulation of the treatment of animals kept for slaughter; the regulation of abattoirs; and treatment of meat products in the course of export or domestic trade; and for connected purposes.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Livestock and Meat Products Ordinance 2010.

2. Commencement

This Ordinance comes into force upon publication in the Gazette.

3. Interpretation

(1) In this Ordinance —

“abattoir” has the meaning given by subsection (2),

“designated abattoir” has the meaning given by subsection (3);

“domestic purposes” has the meaning given by subsection (4);

“EU” means the European Union;

“EU legislation” means a Directive, Regulation or any other legislation enacted by an institution of the European Union;

“export season” has the meaning given by subsection (5);

“meat” includes meat products and other animal products;

“Notice” has the meaning given by section 10;

“Regulations” means regulations made by the Governor;

“UK legislation” means —

(i) an Act of Parliament,

(ii) an Act of the Scottish Parliament,

(iii) an Act of the Northern Ireland Assembly,

(iv) an Act or Measure of the National Assembly for Wales, and

(v) an enactment or instrument under legislation specified in paragraphs (i) to (iv).

(2) “Abattoir” includes any place used or intended to be used for the slaughtering of animals.

(3) “Designated abattoir” means an abattoir designated by Notice for the purpose of producing meat for export to a Member State of the EU.

(4) “Domestic purposes” means purposes other than export and, in particular, includes —

(a) commercial and non-commercial purposes, and

(b) supply for consumption on board a vessel.

(5) “Export season” means a period in each calendar year which —

(a) begins on a date designated by Notice, and

(b) ends on a date designated by Notice.

4. Power to make regulations

(1) Regulations may make provision about any aspect of —

(a) importing animals into the Falkland Islands;

(b) the conditions under which animals are kept;

(c) carrying out medical, chemical or other tests on animals;

(d) the slaughtering of animals;

(e) the disposal of dead animals (whether or not slaughtered);

(f) the treatment of animals and meat at abattoirs before and after slaughter;

(g) the treatment of meat in the course of export or domestic trade (including retail);

(h) carrying out chemical or other tests on meat;

(i) the disposal of waste produced in the course of slaughtering animals or preparing meat;
and

(j) importing meat into the Falkland Islands.

(2) In subsection (1) “animals” means animals of a kind that are commonly kept for slaughter.

(3) Regulations under subsection (1) may —

(a) make provision that applies only during the export season;

(b) make provision that applies only outside the export season;

(c) make provision that applies differently during and outside the export season.

(4) Regulations under subsection (1) may —

(a) make provision that applies only to designated abattoirs;

(b) make provision that applies only to non-designated abattoirs;

(c) make provision that applies differently to designated and non-designated abattoirs.

(5) Regulations under subsection (1) may —

(a) make provision that applies only to slaughtering and meat for export;

(b) make provision that applies only to slaughtering and meat for domestic purposes;

(c) make provision that applies differently in relation to slaughtering and meat for export and for domestic purposes.

(6) Regulations under subsection (1) may —

(a) make different provision for different purposes;

(b) make provision that applies generally or only for specified purposes;

(c) may include incidental or consequential provision (which may, in particular, amend other legislation so as to introduce a reference to the regulations).

5. Application of EU law

(1) Regulations under section 4(1) may, in particular, include any provision which the Governor thinks necessary or desirable for permitting or facilitating the export of meat to Member States of the EU.

(2) The regulations may provide for specified EU legislation to apply.

(3) Application by virtue of subsection (2) may be —

(a) subject to modifications specified in the regulations;

(b) subject to such modifications as may be specified by Notice.

(4) The regulations may provide for the automatic application of —

(a) any amendment made to EU legislation applied by the regulations (whether made before or after the making or commencement of the regulations);

(b) any legislative or administrative instrument made under or by virtue of EU legislation applied by the regulations (whether made before or after the making or commencement of the regulations).

(5) Regulations applying EU legislation may —

(a) specify exceptions;

(b) allow exceptions to be provided by Notice;

(c) confer power to grant exemptions.

(6) Regulations must make provision about marks and certificates required in connection with export to Member States of the EU; and the regulations must, in particular, require the Senior Veterinary Officer to make arrangements to ensure that the marks and certificates are used only at designated abattoirs during the export season.

6. Application of UK law

(1) Regulations under section 4(1) may provide for specified UK legislation to apply.

(2) Application by virtue of subsection (1) may be —

(a) subject to modifications specified in the regulations;

(b) subject to such modifications as may be specified by Notice.

(3) The regulations may provide for the automatic application of —

(a) any amendment made to UK legislation applied by the regulations (whether made before or after the making or commencement of the regulations);

(b) any legislative or administrative instrument made under or by virtue of UK legislation applied by the regulations (whether made before or after the making or commencement of the regulations).

(4) Regulations applying UK legislation may —

(a) specify exceptions;

(b) allow exceptions to be provided by Notice;

(c) confer power to grant exemptions.

7. Officials

(1) In this Ordinance —

(a) “Senior Veterinary Officer” means the Senior Veterinary Officer of the Department of Agriculture,

(b) “Official Veterinarian” means an official of that Department appointed as an Official Veterinarian, and

(c) Meat Hygiene Inspector means an official of that Department appointed as a Meat Hygiene Inspector.

(2) In the exercise of functions under or in connection with Regulations under section 4(1) —

(a) the Senior Veterinary Officer is not subject to the direction or control of any person or authority,

(b) Official Veterinarians and Meat Hygiene Inspectors are not subject to the direction or control of any person other than the Senior Veterinary Officer.

(3) Regulations under section 4(1) may confer functions (including discretionary functions) on—

(a) the Senior Veterinary Officer;

(b) other veterinary officers;

(c) Meat Hygiene Inspectors.

(4) Regulations under section 4(1) may make provision by reference to arrangements to be made by —

(a) the Senior Veterinary Officer;

(b) the Department of Agriculture.

(5) The Senior Veterinary Officer is the “competent authority” for the purposes of any EU legislation applied by or under Regulations under section 4(1).

(6) The Senior Veterinary Officer may authorise persons to carry out functions under or in connection with Regulations under section 4(1); and subsection (2)(b) applies to those persons.

8. Licences and certificates

Regulations under section 4(1) may make provision for slaughtering and export to be controlled by a system of licensing or certificates (or both).

9. Enforcement

(1) Regulations under section 4(1) may include provision for enforcement.

(2) In particular, the regulations may —

(a) create criminal offences;

(b) provide for the imposition of civil penalties;

(c) confer power to serve notices and make provision about the consequences of the service of notices;

- (d) confer jurisdiction on a court or tribunal;
 - (e) include provision for forfeiture of goods or equipment;
 - (f) confer powers of entry, search and seizure;
 - (g) require the provision of information;
 - (h) confer powers to require the provision of information.
- (3) If the regulations create an offence they may provide for a maximum penalty of —
- (a) 6 months imprisonment,
 - (b) a fine of level 6 on the standard scale, or
 - (c) a combination.

10. Notices

- (1) In this Act “Notice” means a notice given by the Governor.
- (2) The Governor must publish any notice under this Ordinance as soon as reasonably practicable (but a notice may take effect before being published).

11. Repeals

- (1) Regulations under section 4(1) may include provision for the repeal, revocation or disapplication of any Ordinance or other legislation if the Governor thinks the repeal, revocation or disapplication necessary or desirable in consequence of the Regulations.
- (2) Provision under this section may —
- (a) apply to specified legislation generally or only to a specified extent or for specified purposes;
 - (b) include transitional provision or savings.

OBJECTS AND REASONS

This Bill would provide for a new system of regulation in relation to the production of livestock and meat products and would allow for the implementation of requirements necessary to maintain exports to the European Union and elsewhere.

Clause 3 defines the key terms used in the Bill.

Clause 4 is the key provision in the Bill and would the Governor power to make regulations in relation to a wide range of matters connected with the production of livestock and meat products, covering the entire food chain. It would allow for regulations to cover domestic and export production but would also allow for different requirements to apply to domestic and export production.

Clause 5 would deal with the specific power to apply EU legislation directly (with or without modifications).

Clause 6 would allow for the adoption (with or without modifications) of legislation from the UK or one of the devolved administrations in the UK.

Clause 7 deals with the role of the Senior Veterinary Officer and other officials (including Official Veterinarians and Meat Hygiene Inspectors) and would confirm their existing independence.

Clause 8 deals with licensing and certification.

Clause 9 deals with enforcement issues.

Clause 10 deals with Notices.

Clause 11 would allow the Governor to repeal, revoke or disapply existing legislation in connection with regulations made under *clause 4*.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (Identification and Movement of Cattle) Regulations 2010

S.R & O. No: of 2010

Made..... 2010

Published 2010

Coming into force: in accordance with regulation 2

I make these regulations under section 4 of the Livestock and Meat Products Ordinance 2010 (No. ?? of 2010) on the advice of the Executive Council.

1. Title

These Regulations are the Livestock and Meat Products (Identification and Movement of Cattle) Regulations 2010.

2. Commencement

- (1) Regulations 1 to 4 come into force on publication of these regulations in the *Gazette*.
- (2) The remaining provisions come into force on [1 January 2012].

3. Interpretation

In these Regulations —

“domestic season” means any time outside the export season within the meaning of the Livestock and Meat Products Ordinance;

“holding” means any place where animals are kept; and

“keeper” of an animal means any person (natural or legal) with control of the animal.

4. Arrangements

- (1) This regulation applies to the arrangements approved, operated and made under regulations 5, 6 and 7.
- (2) The arrangements may —
 - (a) apply generally or only in relation to specified classes of cattle or specified circumstances;

- (b) make different provision for different classes of cattle or different circumstances;
- (c) include exceptions or exemptions;
- (d) in particular, apply only in relation to cattle of a specified age or apply differently in relation to cattle of different ages.

(3) The Department of Agriculture must publish details of the arrangements in the *Gazette*.

5. Ear tagging

Cattle must be tagged in accordance with arrangements approved by the Department of Agriculture.

6. Registration documents

(1) Cattle must be registered in accordance with arrangements operated by the Department of Agriculture.

(2) The arrangements must be designed to ensure that the Department is able to trace the history of the holding of each animal from its birth to its death.

(3) The arrangements must provide for a registration document —

(a) to be kept by the keeper of each animal from time to time; and

(b) to be returned to the Department for updating when the animal is moved between holdings.

(4) The arrangements must require information about the addition or substitution of tags to be given to the Department of Agriculture as soon as reasonably practicable for noting in the register.

7. Movement certificates

(1) Cattle may not be moved between holdings except with the authorisation of a movement certificate issued in accordance with arrangements made by the Department of Agriculture.

(2) The arrangements must include provision for all movements to be recorded by the Department of Agriculture.

8. Responsibility

Each person (natural or legal) who has care or control of cattle (to any degree, and whether or not shared with others) is responsible for ensuring compliance with regulations 5 and 6.

9. Offences

(1) It is an offence for a responsible person to fail without reasonable excuse to ensure compliance with regulation 5 or 6.

- (2) It is an offence to cause or permit cattle to be moved in contravention of regulation 7.
- (3) A person convicted of an offence under this regulation is liable to either or both of the following penalties —
- (a) a fine of up to level 5 on the standard scale; and
 - (b) imprisonment for up to 6 months.

Made

November 2010

N. R. Haywood,
Governor.

EXPLANATORY NOTE
(not forming part of the Regulations)

These Regulations are made under section 4 of the Livestock and Meat Products Ordinance (No. ?? of 2010).

They introduce a new regime for the identification, registration and movement of cattle.

The requirements of the Livestock Ordinance (Title 5.1) will continue to apply.

The effect of *regulation 2* is that the new regime will come into force on 1 January 2012.

Regulation 3 defines terms used elsewhere in the Regulations.

Regulation 4 contains general provisions about the arrangements to be approved, operated and made by the Department of Agriculture under *regulations 5, 6 and 7*.

Regulation 5 will introduce a requirement to ear tag cattle in addition to the existing requirement for ear marking.

Regulation 6 will introduce a compulsory system of registration for cattle.

Regulation 7 will make it a requirement for movements of cattle to be authorised by means of movement certificates issued by the Department of Agriculture.

Regulation 8 will place responsibility for ensuring compliance with the ear tagging and registration requirements on everyone with any responsibility for the care or control of cattle.

Regulation 9 will make it an offence to breach *regulation 5, 6 or 7* and the maximum penalty will be a level 5 fine (currently, £5,000) and/or up to 6 months in prison.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (Identification and Movement of Pigs) Regulations 2010

S.R & O. No: of 2010

Made..... 2010

Published 2010

Coming into force: in accordance with regulation 2

I make these regulations under section 4 of the Livestock and Meat Products Ordinance (No. ?? of 2010) on the advice of the Executive Council.

Introductory

1. Title

These Regulations are the Livestock and Meat Products (Identification and Movement of Pigs) Regulations 2010.

2. Commencement

- (1) Regulations 1 to 4 come into force on publication of these regulations in the *Gazette*.
- (2) The remaining provisions come into force on [1 January 2012].

3. Interpretation

In these Regulations —

“holding” means any place where animals are kept, and

“keeper” of an animal means any person (natural or legal) with control of the animal.

4. Arrangements

- (1) This regulation applies to the arrangements approved and made under regulations 5, 6 and 7.
- (2) The arrangements may —
 - (a) apply generally or only in relation to specified classes of pig or specified circumstances;
 - (b) make different provision for different classes of pig or different circumstances;
 - (c) include exceptions or exemptions;

(d) in particular, apply only in relation to pigs of a specified age or apply differently in relation to pigs of different ages.

5. Ear marking

(1) Pigs must be marked with an ear mark, in accordance with arrangements approved by the Department of Agriculture.

(2) The arrangements must include a register of approved ear marks, which must be published in the *Gazette* from time to time.

6. Ear tagging

(1) Pigs must be tagged with one or more ear tags, in accordance with arrangements approved by the Department of Agriculture.

(2) The arrangements —

(a) must ensure that each tag bears a code identifying a holding,

(b) may require tags to include other information,

(c) must require tags to be added when pigs are moved between holdings, so that each pig carries a tag for each holding on which it has been held,

(d) must include a register of approved ear tags, which must be published in the *Gazette* from time to time, and

(e) may provide for a system of paint-branding which may be used, to the extent and in the circumstances permitted by the arrangements (for example, on movement from a holding to an abattoir), instead of tags.

7. Movement certificates

Pigs may not be moved between holdings except with the authorisation of a movement certificate issued in accordance with arrangements made by the Department of Agriculture.

8. Responsibility

Each person (natural or legal) who has care or control of pigs (to any degree, and whether or not shared with others) is responsible for ensuring compliance with regulations 4 and 5.

9. Offences

(1) It is an offence for a responsible person to fail without reasonable excuse to ensure compliance with regulation 5 or 6.

(2) It is an offence to cause or permit pigs to be moved in contravention of regulation 7.

(3) A person convicted of an offence under this regulation is liable to either or both of the following penalties —

(a) a fine of up to level 5 on the standard scale; and

(b) imprisonment for up to 6 months.

Made

November 2010

N. R. Haywood,
Governor.

EXPLANATORY NOTE
(not forming part of the Regulations)

These Regulations are made under section 4 of the Livestock and Meat Products Ordinance (No. ?? of 2010). They introduce a new regime for the identification and movement of pigs.

The effect of *regulation 2* is that the new regime will come into force on 1 January 2012.

Regulation 3 defines terms used elsewhere in the Regulations.

Regulation 4 contains general provisions about the arrangements to be approved and made by the Department of Agriculture under *regulations 5, 6 and 7*.

Regulation 5 will introduce a requirement to ear mark pigs.

Regulation 6 will introduce a requirement to ear tag pigs.

Regulation 7 will make it a requirement for movements of pigs to be authorised by means of movement certificates issued by the Department of Agriculture.

Regulation 8 will place responsibility for ensuring compliance with the ear marking and ear tagging requirements on everyone with any responsibility for the care or control of pigs.

Regulation 9 will make it an offence to breach *regulation 5, 6 or 7* and the maximum penalty will be a level 5 fine (currently, £5,000) and/or up to 6 months in prison.

SUBSIDIARY LEGISLATION

ANIMALS

Livestock and Meat Products (Identification and Movement of Sheep) Regulations 2010

S.R & O. No: of 2010

Made..... 2010

Published 2010

Coming into force: in accordance with regulation 2

I make these regulations under section 4 of the Livestock and Meat Products Ordinance (No. ?? of 2010) on the advice of the Executive Council.

Introductory

1. Title

These Regulations are the Livestock and Meat Products (Identification and Movement of Sheep) Regulations 2010.

2. Commencement

- (1) Regulations 1 to 4 come into force on publication of these regulations in the *Gazette*.
- (2) The remaining provisions come into force on [1 January 2012].

3. Interpretation

In these Regulations —

“holding” means any place where animals are kept, and

“keeper” of an animal means any person (natural or legal) with control of the animal.

4. Arrangements

- (1) This regulation applies to the arrangements approved and made under regulations 5, 6 and 7.
- (2) The arrangements may —
 - (a) apply generally or only in relation to specified classes of sheep or specified circumstances;
 - (b) make different provision for different classes of sheep or different circumstances;
 - (c) include exceptions or exemptions;

(d) in particular, apply only in relation to sheep of a specified age or apply differently in relation to sheep of different ages.

5. Ear marking

(1) Sheep must be marked with an ear mark, in accordance with arrangements approved by the Department of Agriculture.

(2) The arrangements must include a register of approved ear marks, which must be published in the *Gazette* from time to time.

6. Ear tagging

(1) Sheep must be tagged with one or more ear tags, in accordance with arrangements approved by the Department of Agriculture.

(2) The arrangements —

(a) must ensure that each tag bears a code identifying a holding,

(b) may require tags to include other information,

(c) must require tags to be added when sheep are moved between holdings, so that each sheep carries a tag for each holding on which it has been held,

(d) must include a register of approved ear tags, which must be published in the *Gazette* from time to time, and

(e) may provide for a system of paint-branding which may be used, to the extent and in the circumstances permitted by the arrangements (for example, on movement from a holding to an abattoir), instead of tags.

7. Movement certificates

Sheep may not be moved between holdings except with the authorisation of a movement certificate issued in accordance with arrangements made by the Department of Agriculture.

8. Responsibility

Each person (natural or legal) who has care or control of sheep (to any degree, and whether or not shared with others) is responsible for ensuring compliance with regulations 5 and 6.

9. Offence

(1) It is an offence for a responsible person to fail without reasonable excuse to ensure compliance with regulation 5 or 6.

(2) It is an offence to cause or permit sheep to be moved in contravention of regulation 7.

(3) A person convicted of an offence under this regulation is liable to either or both of the following penalties —

(a) a fine of up to level 5 on the standard scale; and

(b) imprisonment for up to 6 months.

10. Revocation

The Animal Health (Livestock Movement and Identification) (Provisional) Order 2002 (SR&O No. 34 of 2002) is revoked.

Made

November 2010

N. R. Haywood,
Governor.

EXPLANATORY NOTE
(not forming part of the Regulations)

These Regulations are made under section 4 of the Livestock and Meat Products Ordinance (No. ?? of 2010).

They introduce a new regime for the identification and movement of sheep, replacing the provisional regime introduced by the Animal Health (Livestock Movement and Identification) (Provisional) Order 2002 (SR&O No. 34 of 2002) (which is to be revoked).

The requirements of the Livestock Ordinance (Title 5.1) will continue to apply.

The effect of *regulation 2* is that the new regime will come into force on 1 January 2012.

Regulation 3 defines terms used elsewhere in the Regulations.

Regulation 4 contains general provisions about the arrangements to be approved and made by the Department of Agriculture under *regulations 5, 6 and 7*.

Regulation 5 will supplement the existing requirement under the Livestock Ordinance to ear mark sheep with a power for the Department of Agriculture to approve and publish arrangements for ear marking.

Regulation 6 will replace the existing requirement to ear tag sheep with a new power for the Department of Agriculture to approve and publish arrangements for ear tagging.

Regulation 7 will replace the existing system for regulating movements of sheep (based on waybills) with a new system (to be based on movement certificates) operating under arrangements to be made and published by the Department of Agriculture.

Regulation 8 will place responsibility for ensuring compliance with the ear marking and ear tagging requirements on everyone with any responsibility for the care or control of sheep.

Regulation 9 will make it an offence to breach *regulation 5, 6 or 7* and the maximum penalty will be a level 5 fine (currently, £5,000) and/or up to 6 months in prison.

Regulation 10 will revoke the Animal Health (Livestock Movement and Identification) (Provisional) Order 2002 but only as from 1 January 2012.