



Jersey

**EUROPEAN COMMUNITIES  
LEGISLATION (IMPLEMENTATION)  
(CATTLE IDENTIFICATION) (JERSEY)  
REGULATIONS 2002**

**Official Consolidated Version**

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# EUROPEAN COMMUNITIES LEGISLATION (IMPLEMENTATION) (CATTLE IDENTIFICATION) (JERSEY) REGULATIONS 2002

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## **EUROPEAN COMMUNITIES LEGISLATION (IMPLEMENTATION) (CATTLE IDENTIFICATION) (JERSEY) REGULATIONS 2002**

**THE STATES**, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996, have made the following Regulations –

Commencement [[see endnotes](#)]

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### **PART 1**

#### **INTRODUCTION**

#### **1 Interpretation**

(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. 911/2004 issued by the Minister;

“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 Minister;

“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;

“Minister” means the Minister for the Environment<sup>1, 2</sup>

- (2) An approval, licence or notice issued under these Regulations, the Council Regulation or Commission Regulation (EC) No. 911/2004 –
  - (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.<sup>3</sup>
- (3) In these Regulations a reference to an EU instrument is to be read as a reference to that EU instrument as amended from time to time.<sup>4</sup>

## **PART 2**

### **EARTAGS**

#### **2 Enforcement of Article 4 of the Council Regulation (eartags)**

- (1) The Minister is the competent authority for the purposes of approving eartags for the purposes of Article 4.1 of the Council Regulation.
- (2) Accordingly the Minister 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. 911/2004.<sup>5</sup>
- (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 (4) shall be guilty of an offence and liable to a fine of level 3 on the standard scale.<sup>6</sup>

#### **3 Form of eartags**

- (1) An eartag applied under these Regulations must be of a type approved by the Minister.
- (2) In accordance with paragraphs 1 and 2 of Article 1 of Commission Regulation (EC) No. 911/2004, both eartags must bear –
  - (a) the logo specified in Schedule 1;
  - (b) the letter “UK”; and
  - (c) the unique number allocated by the Minister.<sup>7</sup>
- (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. 911/2004 (a power to choose other material or model for the second eartag) may be exercised by the Minister.<sup>8</sup>

#### **4 Movement from a holding**

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 of level 3 on the standard scale.<sup>9</sup>

#### **5 Replacement eartags**

- (1) The Minister 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 of level 3 on the standard scale.<sup>10</sup>
- (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 of level 3 on the standard scale.<sup>11</sup>

#### **6 Eartags missing at a slaughterhouse**

- (1) The operator of the slaughterhouse must not, except with the approval of the Minister, 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 Minister and then act in accordance with those directions.

#### **7 Community trade**

- (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 Minister 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 of level 3 on the standard scale.<sup>12</sup>

#### **8 Alteration and storage of eartags**

- (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 of level 3 on the standard scale.<sup>13</sup>

- (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 of level 3 on the standard scale.<sup>14</sup>

## **PART 3**

### **CATTLE PASSPORTS**

#### **9 Certain cattle to have passports**

- (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 of level 3 on the standard scale.<sup>15</sup>
- (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 of level 3 on the standard scale.<sup>16</sup>
- (6) A cattle passport issued in accordance with these Regulations remains the property of the Minister and must be produced or surrendered to the Minister 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 of level 3 on the standard scale.<sup>17</sup>

#### **10 Application for a cattle passport**

- (1) An application for a cattle passport must be made to the Minister on a form provided or approved for the purpose by the Minister.
- (2) If a cattle passport is lost, stolen or destroyed, the keeper of the animal to which the passport relates must notify the Minister 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 of level 3 on the standard scale.<sup>18</sup>
- (4) If the Minister 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 Minister and send the original passport to the Minister.
- (6) A person who fails to comply with paragraph (5) shall be guilty of an offence and liable to a fine of level 3 on the standard scale.<sup>19</sup>



## **11 Alterations**

- (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 imprisonment for a term of 12 months and to a fine of level 3 on the standard scale.<sup>20</sup>

## **PART 4**

### **RECORDS**

## **12 Records**

- (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 of level 3 on the standard scale –
  - (a) Article 7.1;
  - (b) Article 7.3;
  - (c) Article 7.4.<sup>21</sup>
- (2) The period for the purpose of Article 7.1, second indent, 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 Minister 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. 911/2004.<sup>22</sup>
- (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

#### 13 Powers of inspectors

- (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. 911/2004.<sup>23</sup>
- (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 ear tags 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 of level 3 on the standard scale.<sup>24</sup>
- (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.

#### 14 Powers to restrict movements

- (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. 911/2004.<sup>25</sup>

- (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.

## **15 False information**

- (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 imprisonment for a term of 12 months and to a fine of level 3 on the standard scale.<sup>26</sup>

## **16 Offences by bodies corporate**

- (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.

## **17 Citation**

These Regulations may be cited as the European Communities Legislation (Implementation) (Cattle Identification) (Jersey) Regulations 2002.

## **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				Official use only: This Register was checked by an Inspector appointed by the Competent Authority on			
Name & Address of Keeper keeping record -				Date.....	In the case of a movement, either		
Holding No.....					Holding Moved From	Holding Moved To	In the case of a death on farm put DEAD
Date of Birth or other event	Particulars of Animal	Sex	Brd	In the case of a birth Dams Ear Tag No.			When replacing Ear Tag confirm No. here
	Ear Tag No.		JE				
			JE				
			JE				
			JE				
			JE				

\* JE = Jersey Breed

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
European Communities Legislation (Implementation) (Cattle Identification) (Jersey) Regulations 2002	<a href="#">R&amp;O.126/2002</a>	30 October 2002	<a href="#">P.168/2002</a>
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016	<a href="#">P.46/2015</a> (re-issue)
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )	<a href="#">P.87/2015</a>
Animal Health and Welfare (EU – Miscellaneous Amendments) (Jersey) Order 2019	<a href="#">R&amp;O.106/2019</a>	22 October 2019	

\*Projets available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

### Table of Renumbered Provisions

Original	Current
1(3),(4)	spent, omitted from this revised edition

### Table of Endnote References

<sup>1</sup>	<i>The functions of the Economic Development Committee were transferred to the Minister for Economic Development by the States of Jersey (Transfer of Functions from Committees to Ministers) (Jersey) Regulations chapter 16.800.30 amended by R&amp;O.158/2015, R&amp;O.106/2019</i>
<sup>2</sup> Regulation 1(1)	<i>amended by R&amp;O.106/2019</i>
<sup>3</sup> Regulation 1(2)	<i>amended by R&amp;O.106/2019</i>
<sup>4</sup> Regulation 1(3)	<i>inserted by R&amp;O.106/2019</i>
<sup>5</sup> Regulation 2(2)	<i>amended by R&amp;O.106/2019</i>
<sup>6</sup> Regulation 2(5)	<i>amended by L.1/2016</i>
<sup>7</sup> Regulation 3(2)	<i>amended by R&amp;O.106/2019</i>
<sup>8</sup> Regulation 3(4)	<i>amended by R&amp;O.106/2019</i>
<sup>9</sup> Regulation 4	<i>amended by L.1/2016</i>
<sup>10</sup> Regulation 5(2)	<i>amended by L.1/2016</i>
<sup>11</sup> Regulation 5(4)	<i>amended by L.1/2016</i>
<sup>12</sup> Regulation 7(2)	<i>amended by L.1/2016</i>
<sup>13</sup> Regulation 8(2)	<i>amended by L.1/2016</i>
<sup>14</sup> Regulation 8(4)	<i>amended by L.1/2016</i>

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- <sup>15</sup> *Regulation 9(3)*                      *amended by L.1/2016*  
<sup>16</sup> *Regulation 9(5)*                      *amended by L.1/2016*  
<sup>17</sup> *Regulation 9(7)*                      *amended by L.1/2016*  
<sup>18</sup> *Regulation 10(3)*                     *amended by L.1/2016*  
<sup>19</sup> *Regulation 10(6)*                     *amended by L.1/2016*  
<sup>20</sup> *Regulation 11(2)*                     *amended by L.1/2016*  
<sup>21</sup> *Regulation 12(1)*                     *amended by L.1/2016*  
<sup>22</sup> *Regulation 12(5)*                     *amended by R&O.106/2019*  
<sup>23</sup> *Regulation 13(2)*                     *amended by R&O.106/2019*  
<sup>24</sup> *Regulation 13(5)*                     *amended by L.1/2016*  
<sup>25</sup> *Regulation 14(1)*                     *amended by R&O.106/2019*  
<sup>26</sup> *Regulation 15(2)*                     *amended by L.1/2016*