

2011 No.

ANIMALS, ENGLAND

ANIMAL HEALTH

The Pigs (Records, Identification and Movement) Order 2011

Made - - - - - ***

Coming into force - - - - - ***

The Secretary of State, in exercise of the powers conferred upon her by sections 1 and 8(1) of the Animal Health Act 1981(a), makes the following Order.

PART 1

Introduction

Title, application and commencement

1. This Order may be cited as the Pigs (Records, Identification and Movement) Order 2011; it applies in England and comes into force on 6 October 2011.

Interpretation

2. In this Order—

“BPEX” means the division of the Agriculture and Horticulture Development Board with responsibility for the pig industry in England;

“CPH number” means the county parish holding number assigned to a holding by the Secretary of State;

“herdmark” means the number issued by the Secretary of State under article 4(2);

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

(a) 1981 c. 22. Functions conferred under the 1981 Act on “the Minister” and “the Ministers” are now exercisable by the Secretary of State. Functions of “the Ministers” were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (SI 1999/3141). Functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794). The functions of the Secretary of State under the Animal Health Act 1981 are, so far as are exercisable in relation to Wales, vested in the Welsh Ministers. Those functions were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) article 2; see the entry in Schedule 1 for the Animal Health Act 1981 (c. 22). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers immediately after the end of the initial period as defined by section 161(5) of that Act. The functions of the Secretary of State under the Animal Health Act 1981 (c. 22) are, so far as they are exercisable in relation to Scotland, vested in the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46).

“identification mark” means an eartag or tattoo applied under article 7;

“keeper” means any person having care and control of pigs, whether on a temporary or permanent basis, but does not include a person who only transports pigs;

“MLCSL” means Meat and Livestock Commercial Services Limited.

Notifications

3. Any notification, licence, authorisation or approval issued under this Order must be in writing, may be subject to conditions and may be suspended, amended or revoked in writing at any time.

PART 2

Records

Notification of holdings

4.—(1) An occupier of a holding who begins to keep pigs on that holding, and any person who takes over the occupation of a holding where pigs are kept, must notify the Secretary of State within one month of—

- (a) their name and address; and
- (b) the address of the holding.

(2) On receipt of a notification under paragraph (1) the Secretary of State must issue an alphanumeric code for each herd of pigs on that holding.

(3) The occupier must notify the Secretary of State of any change to the information in paragraph (1) within a one month.

Records

5.—(1) Within 36 hours of the movement of a pig on or off a holding the keeper must complete the form in the Schedule.

(2) At least once a year a keeper must record the maximum number of pigs normally on the holding and the actual number of pigs on the holding at that date..

(3) The keeper must keep these records for at least 3 years.

PART 3

Identification

Ear tags and tattoos

6.—(1) An ear tag must be—

- (a) easy to read during a pig’s lifetime;
- (b) made of either metal or plastic or a combination of metal and plastic;
- (c) tamper-resistant;
- (d) incapable of re-use;
- (e) sufficiently heat-resistant that neither the ear tag nor the information printed or stamped on it can be damaged by the processing of the carcass following slaughter; and
- (f) designed to remain attached to the pig without harming it.

(2) A tattoo must be applied either by tattoo forceps, in which case it must be on an ear, or by slap-marking equipment, in which case it must be on each shoulder.

(3) As an alternative to applying a tattoo by the methods referred to in paragraph (2) a keeper may apply a tattoo to each shoulder by means of equipment which uses compressed air to drive the tattooing pins into the skin of the pig.

(4) A keeper may mark a pig with any further information, or add further information to the ear tag or tattoo provided that the further information is clearly distinguished from the information required under this Order.

Identification of pigs moved off a holding

7.—(1) No person may move a pig off a holding unless it has—

- (a) an ear tag with the letters “UK” followed by the herdmark of the holding from which it is being moved; or
- (b) a tattoo showing that herdmark (with or without the letters “UK”);

applied in accordance with article 6.

(2) In the case of a market—

- (a) a pig may be moved off if it is marked with the herdmark of the holding from which it arrived;
- (b) if the pig is not correctly identified when it arrives at a market a keeper may correct the identification so that it is identified with the herdmark of the holding from which it arrived, but if he does not do so it may only be returned to the holding from which it came.

Exception for a pig less than one year old

8.—(1) Article 7 does not apply in relation to a pig less than one year old provided that it is identified with a temporary mark that—

- (a) either by itself or by reference to a document accompanying the pig during the movement enables the holding from which the pig was last moved to be identified; and
- (b) lasts until the pig reaches its destination.

(2) This exception does not apply in relation to a pig being moved—

- (a) to a market;
- (b) to a slaughterhouse;
- (c) for the purposes of intra-Community trade or export; or
- (d) to a show.

Additional identification requirements for movements of pigs to shows, porcine semen centres etc.

9.—(1) No person may move a pig off a holding—

- (a) to a show or exhibition;
- (b) for breeding purposes with the intention of returning the pig to the holding from which it was moved; or
- (c) for the purpose of collection of semen at a porcine semen centre;

unless it is marked in accordance with article 7 and with an identification mark that includes a unique individual identification number.

Additional requirements for export

10. No person may move a pig off a holding for the purposes of intra-Community trade or export unless it has an ear tag or tattoo in its ear with the letters “UK” followed by a herdmark and a unique individual identification number.

Identification of pigs moved onto a holding from outside the European Union

11.—(1) Subject to paragraph (3) any person importing a pig from outside the European Union must apply an ear tag or tattoo to the pig containing the following information, in the following order—

- (a) the letters “UK”;
- (b) the herdmark of the herd into which the imported pig is introduced;
- (c) any other information, if the keeper wishes to apply such information; and
- (d) the letter “F”.

(2) The ear tag or tattoo must be applied to the pig within 30 days of its arrival at the holding of destination and, in any event, before it is moved from that holding.

(3) A person importing a pig from outside the European Union need not apply a new identification mark in accordance with paragraph (1) where a pig is moved directly to a slaughterhouse and is slaughtered within 30 days of arrival.

PART 4

Movements

Movement of pigs other than movements to markets or collection centres

12.—(1) Subject to articles 13, 15 and 15(2) keepers, other than markets, must notify BPEX of all movements of pigs from their holdings before those movements take place.

(2) Keepers may notify BPEX electronically by entering the following information onto the BPEX movement recording system—

- (a) the address, including the postcode, and CPH number of the holdings from and to which the pigs are being moved;
- (b) the date of the movement;
- (c) the number of pigs being moved;
- (d) the identification mark of each pig moved, and in the case of a movement specified in article 9 or 10 that must include the unique individual identification number required by those articles.

(3) If a keeper does not notify BPEX electronically they must provide the information listed in paragraph (2) by telephone or in writing to MLCSL and may not move those pigs until they have received a document from MLCSL recording that information.

(4) When MLCSL receives notification of movement information under paragraph (3) it must, within 24 hours of receipt excluding weekends, send the keeper sufficient copies of a document recording that information to enable the keeper, and any transporter and the keeper at the holding of destination to meet their recording obligations.

(5) When pigs are moved from a market the market must notify BPEX of the information at paragraph (2) in relation to those pigs electronically on the day of the movement.

Transitional provisions

13.—(1) Until [date] a keeper, other than a market, sending pigs to another holding may, instead of pre-notifying the movement, complete and sign a document that specifies—

- (a) the address, including postcode and CPH number of the holding from and to which the pigs are being moved;
- (b) the date of the movement;
- (c) the number of pigs that the document covers;

- (d) the identification mark of each pig moved, and in the case of a movement specified in article 9 or 10 that must include the unique individual identification number required by those articles.
- (2) The keeper must give a copy of this document to the person transporting the pigs.
- (3) The transporter must give a copy of this document to the keeper receiving the pigs.
- (4) The keeper who is given a copy of this document when receiving pigs must send it within 3 days to MLCSL.

Movement of pigs to markets or collection centres

14.A keeper moving pigs to a market or collection centre need not notify the movement in advance if the market or collection centre agrees to notify BPEX electronically on the day of the pigs arrival of the information listed at article 12(2), and the keeper ensures that this notification is made.

Movement of pigs from shows

15.—(1) When a keeper intends to move a pig from their holding to a show and knows which holding they intend to move the pig to after the show they must notify both the movement to the show and the movement from the show in accordance with article 12 before moving the pig to the show.

(2) When a keeper moves a pig to a show without knowing to which holding they will move the pig after the show they must provide, in relation to the movement from the show, the information in article 12(2) to BPEX or MLCSL within 3 days of the move from the show.

Transport of pigs

16.—(1) Any person transporting pigs must carry a document that specifies—

- (a) the address, including postcode and CPH number of the holdings from and to which the pigs are being moved;
- (b) the date of the movement;
- (c) the number of pigs that the document covers;
- (d) the identification mark of each of the pigs moved (in the case of a movement specified in article 9 or 10, this must include the unique individual identification number required by those articles); and
- (e) in the case of a movement from a market, the lot numbers of the pigs being moved;

and, if the movements are not being reported electronically, is signed by the keeper.

(2) They must give two copies of the document referred to in paragraph (1) to the keeper at the holding of destination if the keeper is not able to notify BPEX electronically that he has received those animals.

Arrival of pigs at a holding

17.—(1) The keeper at the holding of destination must keep the document referred to in article 16(1) for at least 6 months unless they notify the movement under paragraph 2(a).

(2) The keeper at the holding of destination must, within 3 days of arrival of the pigs, either—

- (a) record on the BPEX pig movement system—
 - (i) the number of pigs arriving at his holding; or
 - (ii) submit the same information to MLCSL by telephone, by fax or in writing.

(3) In the case of a pig moved from a holding to a port and intended for consignment outside Great Britain the keeper at that holding must send a copy of the document referred to in paragraph (1) to MLCSL within 3 days of the animal leaving the holding.

Walking licences for pet pigs

18. The Secretary of State may grant a walking licence to a keeper of a pet pig allowing him to take the pig for a walk off the holding without complying with article 5 or 12, but the person walking the pig must carry a copy of the licence throughout the walk.

Approved holdings

19.—(1) The Secretary of State may approve a holding for the purposes of movements of pigs intended for breeding or growing.

(2) The approval must specify which holdings pigs may be moved from and which holdings they may be moved to.

(3) A movement of pigs between holdings approved under this article does not trigger the standstill period in the Disease Control (England) Order 2003(a).

PART 5

Miscellaneous

Removing or defacing an identification mark

20. No person may, unless authorised by the Secretary of State, remove or deface an identification mark.

Replacement of an identification mark

21.—(1) A keeper must replace an identification mark if it has—

- (a) become illegible;
- (b) been removed for welfare reasons; or
- (c) been lost.

(2) Any person replacing an identification mark must either—

- (a) apply an identical identification mark; or
- (b) apply a new identification mark and cross-refer the new identification mark with the original identification mark in the record kept under article 5.

Production of documents and records

22. An inspector may require any record made under this Order to be produced on demand and a copy or printout of it to be made.

Enforcement

23.—(1) This Order is enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases or a particular description or any particular case, that he will enforce this Order instead of the local authority.

Review

24.—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of articles 3 to 23;

(a) S.I. 2003/1729.

(b) set out the conclusions of the review in a report; and

(c) publish the report .

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Council Directive 2008/71(a) on the identification and registration of pigs is implemented in other member States.

(3) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by those instruments;

(b) assess the extent to which those objectives are achieved; and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) “Review period” means—

(a) the period of five years beginning with the day on which regulations 3 to 23 come into force; and

(b) subject to paragraph (5), each successive period of five years.

(5) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

Revocations

25.The Pigs (Records, Identification and Movement) Order 2007 is revoked**(b)**.

Signatory text

Address

Date

Name

Minister of State

Department

SCHEDULE

Ref Article 5

HOLDING MOVEMENT RECORD

The Pigs (Records, Identification and Movement) Order 2011				
Name and address of the person keeping the record				
Date of movement	The identification number (a) or temporary mark	Number of pigs	Holding from which moved	Holding to which moved

(a) In the case of a movement specified in article 9 or 10, this must include the unique individual identification number required by those articles.

(a) OJ No L 213, 8.8.2008, p31.

(b) S.I. 2007/642.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in England, continues to implement Council Directive 2008/71/EEC on the identification and registration of pigs (OJ No L 213, 8.8.2008, p 31). It revokes and replaces the Pigs (Records, Identification and Movement) Order 2007.

The principal change is that it requires pre-notification to a central, computerised database of most movements of pigs.

As before the Order requires that a person keeping pigs on a holding must notify the Secretary of State (article 4) and requires record to be kept (article 5 and the Schedule).

Articles 6 to 11 require pigs to be marked with ear tags or tattoos and specify what they have to contain.

Articles 12 to 18 deal with the procedures for notification of movements and the necessary documentation.

The Order is enforced by the local authority (article 23).

Breach of the Order is an offence under section 73 of the Animal Health Act 1981, punishable in accordance with section 75 of that Act.

A Regulatory Impact Assessment has been prepared for the Order and placed in the library of each House of Parliament. It is available, together with a transposition note at