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Summary

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Regulations and other acts

Gouvernement du Québec

O.C. 9999-2004, 10 March 2004

Animal Health Protection Act
(R.S.Q., c. P-42; 2003, c. 24)

Identification of cattle — Amendments

Regulation to amend the Regulation respecting the identification of cattle

WHEREAS, under the first paragraph of section 22.1 of the Animal Health Protection Act (R.S.Q., c. P-42), amended by section 1 of chapter 24 of the Statutes of 2003, the Government may, by regulation, to ensure animal traceability, establish an identification system for any species or category of animal it determines;

WHEREAS, under that section, the Government made the Regulation respecting the identification of cattle by Order in Council 205-2002 dated 6 March 2002;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as prescribed by section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— since 1 January 2004, federal regulations have imposed mandatory identification of ovines on producers in all Canadian provinces;

— it is essential that the Regulation to amend the Regulation respecting the identification of cattle, attached to this Order in Council, be made as soon as possible in order to spare Québec ovine producers the necessity of buying the tags, to be used for a short time only, that are required under the federal regulations and later on having to purchase the tags required under the Québec regulation, a situation that would increase their financial and administrative costs;

— in the current context of increasing occurrences of diseases affecting livestock, such as mad cow disease, scrapie and avian influenza, a traceability system for the various animal populations must be implemented as soon as possible to protect not only the health of animals and humans but the agri-food economy as well;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting the identification of animals, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the identification of cattle*

Animal Health Protection Act
(R.S.Q., c. P-42, s. 22.1; 2003, c. 24, s. 1)

1. The Regulation respecting the identification of cattle is amended by replacing the title by the following: “Regulation respecting the identification and traceability of certain animals”.

2. Section 1 is replaced by the following:

“**1.** This Regulation governs the identification of bovines, namely the species “*Bos taurus*” and “*Bos indicus*” and their hybrids, and the identification of ovines, namely the genus *Ovis*, kept or raised in Québec.

* The Regulation respecting the identification of cattle, made by Order in Council 205-2002 dated 6 March 2002 (2002, *G.O.* 2, 1581), has been amended once, by the regulation made by Order in Council 77-2003 dated 29 January 2003 (2003, *G.O.* 2, 899).

To ensure the traceability of those animals, an identification system is established.”.

3. Section 2 is amended

(1) by replacing subparagraph 4 of the first paragraph by the following:

“(4) whether the animal is a bovine or an ovine;”;

(2) by adding “or, if the animal did not originate in Québec, its age or weight” at the end of subparagraph 10 of the first paragraph;

(3) by replacing subparagraph 12 of the first paragraph by the following:

“(12) the date and time of the animal’s movements and the site numbers of the production sites from and to which it is moved;”;

(4) by replacing “the location of each site and the transits of the animal from one site to the other.” in subparagraph 13 of the first paragraph by “the site number of each production site; and”;

(5) by adding the following subparagraph at the end of the first paragraph:

“(14) the registration number of the vehicle and, where applicable, the registration number of the trailer or semi-trailer used to transport the animal.”;

(6) by inserting the following after the definition of “production site” in the second paragraph:

““site number” or “number of the site” means the number assigned by the Minister or, as the case may be, by the management agency to a place where animals referred to in the first paragraph of section 1 are kept or to a place that receives them;”;

(7) by inserting the following at the end of the second paragraph after the definition of “site number”:

““vehicle” means a motorized vehicle able to travel on roads.”.

4. Section 3 is amended

(1) by inserting the following after the first paragraph:

“The tags must be made in such a manner that the tags that identify bovines are visually different from the tags that identify ovines.”;

(2) by replacing “an identification number of at least seven numbers” in the second paragraph by “a unique identification number with at least seven digits in the case of a bovine, and at least nine digits in the case of an ovine,”.

5. Section 4 is amended by replacing “must order only 9 or 29 chip tags and bar code tag sets” in the second paragraph by “may order chip tag or bar code tag sets only in a series of 9 or 29 sets in the case of bovine identification tags or in a series of 10 or 50 sets in the case of ovine identification tags”.

6. Section 5 is amended

(1) by adding “or, in the case of chip tags, as soon as they are defective or inoperative” after “altered” in the second paragraph;

(2) by replacing “The number of those which are lost, destroyed or damaged and of those which are not used when the farm, the establishment for livestock auctions or the importer cease their activities must be sent to the Minister or, where applicable, to the management agency, within 30 days following their loss, destruction, damage or the cessation of their activities.” in the third paragraph by “The numbers of any lost, destroyed or damaged tags or defective or inoperative chip tags and the numbers of any unused tags if the farm, establishment for livestock auctions or importer ceases activities must be sent to the Minister or, as the case may be, to the management agency, within 30 days after the loss, destruction, damage or cessation of activities or, in the case of chip tags, within 30 days after they become defective or inoperative.”.

7. Section 8 is amended

(1) by replacing “and bear the same identification number” in the first paragraph by “, bear the same identification number and be affixed to a single animal. Bovine identification tags must be affixed to bovines only and ovine identification tags must be affixed to ovines only”;

(2) by replacing “Identification” in the second paragraph by “Except in the case provided for in the second paragraph of section 16, identification”;

(3) by adding the following paragraph:

“For the purposes of this section, in the case of an importer, “farm” means any place referred to in section 58 of the Health of Animals Regulations (C.R.C., c. 296).”.

8. Section 9 is amended by deleting “; SOR/91-525; SOR/2000-416” after “296” in the third paragraph.

9. Section 12 is amended

(1) by replacing “within 7 days following its birth or before its transfer” in subparagraph a of subparagraph 1 of the first paragraph by “within seven days following its birth in the case of a bovine or within 30 days following its birth in the case of an ovine, or before the animal is transferred”;

(2) by replacing “animal” in subparagraph b of subparagraph 1 of the first paragraph by “bovine”;

(3) by inserting “in the case of a bovine,” before “as soon as it arrives” in subparagraph b of subparagraph 2 of the first paragraph;

(4) by inserting the following paragraph after the second paragraph:

“For the purposes of subparagraph a of subparagraph 2 of the first paragraph, “farm” means any place referred to in section 58 of the Health of Animals Regulations.”.

10. Section 13 is amended

(1) by replacing “for an animal born in Québec, within 7 days following its birth or on the day following its transfer from the farm, whichever comes first; however, if the animal” in paragraph 1 by “for a bovine born in Québec, within seven days following its birth or transfer from the farm, whichever comes first, and for an ovine born in Québec, within 30 days following its birth or transfer from the farm, whichever comes first; however, if the bovine”;

(2) by replacing “the identification of the vehicle” in paragraph 2 by “the registration number of the vehicle and, where applicable, the registration number of the trailer or semi-trailer”.

11. Section 14 is amended by inserting “or, in the case of an ovine originating from Canada but outside Québec, by both tags” after “bar code tag”.

12. Section 15 is amended by replacing “which he knows or should have known to be erroneous, or a false or misleading declaration” by “that is inaccurate, illegible or incomplete”.

13. Section 16 is amended

(1) by replacing the second paragraph by the following:

“If the tags are lost during transportation to the farm or establishment for livestock auctions, the bovine may continue to be transported and received. However, the owner or custodian of the bovine or, as the case may be, the person in charge of the establishment must reidentify the bovine immediately upon its arrival at the farm or establishment in accordance with the first paragraph of section 8, at the expense of the bovine’s owner.

The person referred to in the first paragraph must keep a record of enough information to enable the animal’s origin to be established, including

(1) the number of the lost tags;

(2) the date on which the animal was reidentified;

(3) if the animal was not born on the farm, the date on which it was received at the farm, the name and address of the animal’s owner or custodian on that date, and the site number or place of origin of the animal;

(4) the number of the new tags; and

(5) whether the animal is a bovine or an ovine.

The person referred to in the second paragraph must also keep a record of enough information to enable a bovine’s origin to be established, including the information referred to in subparagraphs 1 and 4 of the third paragraph, and

(1) the date on which the bovine was received at the farm or establishment and the date on which it was reidentified, the name and address of the bovine’s owner or custodian on that date, and the site number or place of origin of the animal;

(2) the registration number of the vehicle and, where applicable, the registration number of the trailer or semi-trailer used to transport the bovine to the farm or establishment where the new tags were affixed to it and the name and address of the carrier; and

(3) the fact that the animal is a bovine.”;

(2) by replacing “the animal” after “the owner that” in the third paragraph by “the bovine”;

(3) by replacing “purchaser of the animal” in the third paragraph by “purchaser of the bovine”;

(4) by replacing “the animal may be received. The slaughterhouse operator must keep a register and record therein the information referred to in the second paragraph, *mutatis mutandis*” in the fourth paragraph by “the bovine may be received. The person in charge of the slaughterhouse must keep a record of the information required under the fourth paragraph, with the necessary modifications”;

(5) by replacing “during at least 3” in the fifth paragraph by “for at least seven” and by replacing “registers” by “records”.

14. Section 20 is amended by replacing “of the identification of the vehicle” in paragraph 1 and “as the identification of the vehicle” in paragraph 2 by “as the registration number of the vehicle and, where applicable, the registration number of the trailer or semi-trailer”.

15. The first paragraph of section 21 is amended

(1) by striking out “, except for a carrier,”;

(2) by replacing “and 12” by “, 12 and 14”.

16. Section 22 is amended

(1) by replacing “, except for a carrier, who transfers an animal outside of Québec” by “that conveys an animal outside Québec, or that conveys an ovine from a place in Québec to another place in Québec”;

(2) by replacing “the identification of the vehicle used to transport the animal within 7 days following its transfer outside Québec” by “the registration number of the vehicle and, where applicable, the registration number of the trailer or semi-trailer used to transport the animal within seven days following its transfer outside Québec, or to transport the ovine within seven days following its transfer from a place in Québec and conveyance to another place in Québec”;

(3) by adding the following paragraph:

“However, in the case of an agricultural exhibition, the information on the movements of an animal must be sent within seven days after the end of the exhibition.”.

17. Section 23 is amended by replacing “6, 12 and 13” by “4, 6, 12, 13 and 14”.

18. Section 25 is amended

(1) by replacing “register for at least 3 years from the last entry and record therein the following information” in the first paragraph by “record, which must be retained for at least seven years after the date of the last entry, of”;

(2) by replacing “the identification of the vehicle” in subparagraph 2 of the first paragraph by “the registration number of the vehicle and, where applicable, the registration number of the trailer or semi-trailer”;

(3) by replacing subparagraph 3 of the first paragraph by the following:

“(3) whether the animal is a bovine or an ovine.”.

19. Section 28 is amended

(1) by striking out “at the farm”;

(2) by inserting “4,” before “6”.

20. Section 30 is amended

(1) by inserting “livestock” before “farm” in the first sentence;

(2) by replacing “a time limit of 45 days from the date of the event instead of the time limit of 7 days” in the first sentence by “45 days from the date of the event instead of the time limits”.

21. The Regulation is amended by inserting the following after section 30:

“**30.1.** Every owner or custodian of ovines must, before 16 April 2004 or before the transfer of an ovine from a farm, whichever comes first, identify or have identified at the farm all the ovines kept by the owner or custodian in Québec on 17 March 2004 by affixing a chip tag to one of the ovine’s ears and a bar code tag to the other ear; both tags must comply with the requirements of section 3, bear the same identification number and be affixed to a single animal. Only ovine identification tags may be affixed to ovines.

The owner or custodian must also send to the Minister or, as the case may be, to the management agency, his name and address, the name and address of the farm, the information referred to in subparagraph 1 of the first paragraph of section 2 and the information referred to in subparagraphs 3 to 10, 13 and 14 of that paragraph before 1 May 2004 or no later than the 45th day after the day of the transfer of the ovine from the farm, whichever comes first.”.

22. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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