

## FAILURE TO NOTIFY BIRTH / DEATH / MOVEMENT OF CATTLE

### Cattle Identification (Notification of Births, Deaths and Movements) Regulations (NI) 1999

5. - (1) Any person who fails to comply with the requirement to notify the birth, movement or death of any animal in accordance with the second indent of Article 7.1 of the Council Regulation either in the manner provided for in, or within the time limits specified by, these Regulations shall be guilty of an offence.

(2) Any person who knowingly or recklessly provides information which he knows or believes to be false in any notification sent by him under these Regulations, shall be guilty of an offence.

#### Maximum Sentence:

*Cattle Identification (Notification of Births, Deaths and Movements) Regulations (NI) 1999, Reg.14(2)*

*Indictment: 2 years imprisonment and/or an unlimited fine*

*Summarily: 3 months imprisonment and/or the statutory maximum fine (£5,000)*

#### Assessment of Offence

*(Starting points and ranges based on 1<sup>st</sup> time offender convicted following contest)*

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
Offence under Regulation 5(1)	£750 Fine	£500 - £1,500 Fine
Offence under Regulation 5(2)	£1,500 Fine	£1,000 Fine to 2 months Custody

#### Examples of Possible Aggravating Factors of Offence

1. Offender's attitude towards the relevant authorities or Department was dismissive or obstructive
2. Offence was committed for financial gain
3. Conduct of the offence increased the risk of spread of disease

#### Examples of Possible Mitigating Factor of Offence

N/A

#### Relevant Cases:

*NI Cases:*

R v McCracken [2007] NICC 51

*English Cases*

N/A

#### Notes: