
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 40

The Horse Passports Regulations (Northern Ireland) 2010

PART 2

Enforcement of [Commission Regulation \(EC\) No. 504/2008](#)

Competent Authority for [Commission Regulation \(EC\) No. 504/2008](#)

3. The Department is the competent authority for the purposes of [Commission Regulation \(EC\) No. 504/2008](#) and acts as the Member State for the purposes of that Regulation.

Sale of horses

- 4.—(1) An owner who sells a horse must give its passport to the buyer at the time of the sale.
- (2) The buyer must return the passport to the passport issuing organisation together with the buyer's name and address, within 30 days of the sale.
- (3) In this regulation "sell" includes any transfer of ownership.
- (4) Failure to comply with this regulation is an offence.

Passports

- 5.—(1) The owner of a horse and, if different, the keeper who has primary responsibility for it who does not comply with Article 3(1) is guilty of an offence.
- (2) In accordance with Article 5(5) it is the responsibility of the owner of a horse to apply for a passport within the time limits set out in Article 5, and failure to do so is an offence.
- (3) If an application for a passport is received outside the time limits, the passport issuing organisation must stamp the passport that the horse is not intended for slaughter for human consumption.

Duplicate and replacement passports

6. Any person who knowingly provides information which is false or misleading for the purposes of obtaining a duplicate or replacement passport is guilty of an offence.

Importation

7. The owner of a horse who—
- (a) fails to comply with Article 8(1) (identification of imported horses), or
- (b) fails to request a passport issuing organisation within 30 days of the date of importation to act in accordance with Article 8(2) (provision of additional information),
- is guilty of an offence.

Transponders

8.—(1) A passport issuing organisation that fails to comply with Article 11(1) (implantation of a transponder) is guilty of an offence.

(2) The minimum qualification for the purposes of Article 11 (implantation of a transponder) is membership of the Royal College of Veterinary Surgeons.

Detecting previous active marking of horses

9. A veterinary surgeon who is implanting a transponder into a horse and who fails to carry out the procedures set out in Article 10(1) (measures to detect previous active marking) is guilty of an offence.

Accompanying documentation

10.—(1) The owner of a horse or, if different, the keeper who has primary responsibility for it who does not comply with—

- (a) Article 13(1) (movement and transport),
- (b) Article 14(1) (smart cards), or
- (c) Article 14 (3) (temporary documents),

is guilty of an offence.

(2) A smart card must be in a format which complies with Annex II of [Commission Regulation \(EC\) No. 504/2008](#) and which is approved by the Department.

Movement to slaughter

11. The owner, or if different, the keeper who has primary responsibility for a horse, who does not comply with Article 15(1) (movement to slaughter) is guilty of an offence.

Issue of duplicate and replacement passports

12.—(1) A passport issuing organisation that fails to mark a passport as a duplicate, or classify the horse as being not intended for slaughter for human consumption, in accordance with Article 16(1) is guilty of an offence.

(2) The derogation in Article 16(2) may not be exercised.

(3) A passport issuing organisation that issues a replacement passport other than in accordance with Article 17 (issuing replacement documents) is guilty of an offence.

Procedure on death

13.—(1) When a horse is killed for disease control purposes, in accordance with Article 19(2)(a) (i) the owner or keeper who has primary responsibility for it must return the passport to the passport issuing organisation as soon as is reasonably practicable and inform the Department's veterinary surgeon that he or she has done so.

(2) When a horse is slaughtered for human consumption, in accordance with Article 19(2)(a) (ii)—

- (a) the official veterinarian must record the identification number of the horse and mark the passport accordingly, and

- (b) the food business operator must return the marked passport to the passport issuing organisation as soon as is reasonably practicable and inform the Department's veterinary surgeon that he or she has done so.
- (3) In any other case, notwithstanding Article 19(2)(b), the owner or keeper must return the passport to the passport issuing organisation within 30 days of the death of the horse.
- (4) The return of the passport under this regulation is the attestation required under Article 19(1)(c).
- (5) Failure to comply with paragraph (1), 2(b) or (3) is an offence.

Procedure by the passport issuing organisation on death

14. When a passport issuing organisation is notified of the death of a horse and it receives the passport pursuant to regulation 13, it must invalidate the passport and ensure that the transponder number cannot be re-used, in accordance with Article 19(1)(a) and (b), but it may return the invalidated passport to the owner.

Permitted treatment for horses intended for human consumption

15.—(1) —A veterinary surgeon who fails to comply with Article 20 of [Commission Regulation \(EC\) No. 504/2008](#) is guilty of an offence

(2) A veterinary surgeon who fails to enter into a passport the details required in Section V, VI, VII or IX of the passport is guilty of an offence

Databases

16.—(1) A passport issuing organisation that fails to comply with Article 21 (records on a database) is guilty of an offence.

(2) For the purposes of Article 21 (3), the communication of the information to the central database must be made in accordance with a written notice served on the passport issuing organisation by the Department.

Prohibitions

17. It is an offence to—

- (a) destroy or deface a passport;
- (b) alter any entry in a passport;
- (c) make a forged passport;
- (d) be knowingly in possession of a forged passport.