

2008 No. 99

AGRICULTURE

LIVESTOCK INDUSTRIES

**The Horses (Zootechnical Standards) (Scotland)
Regulations 2008**

<i>Made</i> - - - -	<i>6th March 2008</i>
<i>Laid before the Scottish Parliament</i>	<i>7th March 2008</i>
<i>Coming into force</i> - -	<i>1st April 2008</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

PART 1

General Provisions

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Horses (Zootechnical Standards) (Scotland) Regulations 2008 and come into force on 1st April 2008.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“horse” means an animal of an equine or asinine species or a crossbreed of those species, but does not include a zebra;

“recognised organisation” means an organisation or association which—

- (a) maintains or establishes a stud book in which horses are entered or registered; and
- (b) has been recognised for that purpose under regulation 3; and

“stud book” means any book, register, file or data medium—

- (a) which is maintained by a recognised organisation; and
- (b) in which horses are entered or registered with mention of all their known ancestors.

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3), and by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51). The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(2) Unless the context requires otherwise, any expressions that are not defined in these Regulations and occur in—

- (a) Commission Decision 92/353/EEC laying down the criteria for the approval or recognition of organisations and associations which maintain or establish stud-books for registered equidae(a),
- (b) Commission Decision 92/354/EEC laying down certain rules to ensure co-ordination between organisations and associations which maintain or establish stud-books for registered equidae(b), or
- (c) Commission Decision 96/78/EC laying down the criteria for entry and registration of equidae in stud-books for breeding purposes(c),

have the same meaning in these Regulations as they have for the purposes of those Decisions.

(3) Any reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, within the meaning of the Electronic Communications Act 2000(d), which has been recorded and is subsequently capable of being reproduced.

PART 2

Recognition of Organisations

Criteria for recognition

3.—(1) In order to become a recognised organisation an organisation or association must—

- (a) submit an application in writing for recognition as a recognised organisation to the Scottish Ministers;
- (b) maintain or establish a stud book; and
- (c) satisfy the criteria referred to in the Schedule.

(2) Subject to regulation 4, the Scottish Ministers must recognise any organisation or association which satisfies the criteria set out in paragraph (1).

Refusal to recognise and withdrawal of recognition

4.—(1) The Scottish Ministers must refuse to recognise, or must withdraw recognition from, an organisation or association which fails to—

- (a) satisfy the criteria set out in regulation 3(1)(b) or the Schedule; or
- (b) comply with regulations 6, 7 or 9.

(2) Where a recognised organisation already exists in respect of a particular breed of horse, the Scottish Ministers may refuse to recognise an organisation or association representing the same breed of horse if—

- (a) they consider that recognising the organisation or association would—
 - (i) endanger the preservation of that breed of horse;
 - (ii) jeopardise the operation of the existing recognised organisation; or
 - (iii) jeopardise an improvement or selection programme of the existing recognised organisation; or

(a) O.J. No. L 192, 11.7.92, p.63.

(b) O.J. No. L 192, 11.7.92, p.66.

(c) O.J. No. L 019, 25.1.96, p.39.

(d) 2000 c.7; Section 15(1) contains a definition of “electronic communication”, and was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c.21).

- (b) an existing recognised organisation allows horses of that breed to be entered in a section of its stud book which it maintains in accordance with the rules laid down by the recognised organisation maintaining the stud book of the origin of that breed.

(3) Where the Scottish Ministers refuse to recognise, or withdraw recognition from, an organisation or association in accordance with paragraph (1) or (2), the reasons for that refusal or withdrawal must be given to that organisation or association in writing.

Review

5.—(1) A person may apply in writing to the Scottish Ministers for a review of any decision under regulation 4, within 21 days of the notification of the decision.

(2) On an application under paragraph (1) the Scottish Ministers must appoint such person as they think fit to consider the decision and make such recommendation (if any) as that person considers appropriate.

(3) The appointed person may include a member of the staff of the Scottish Administration.

(4) The applicant and the Scottish Ministers may make written submissions to the appointed person concerning the decision of the Scottish Ministers.

(5) The appointed person must report in writing to the Scottish Ministers.

(6) The Scottish Ministers must give to the applicant written notification of their determination of the application for review, and the reasons for it.

PART 3

Form and Content of Stud Book

Division of the main section of stud book

6.—(1) A recognised organisation must not divide the main section of its stud book except into different classes according to the horses' merits.

(2) Where the main section of a stud book has been divided, a recognised organisation must enter a horse from another stud book, upon application, into the class of the stud book whose criteria it meets.

Compulsory entry in main section of stud book

7.—(1) A recognised organisation must enter a horse in the main section of its stud book if that horse—

- (a) is descended from parents entered in the main section of a stud book of the same breed;
- (b) has a pedigree established in accordance with the rules of that stud book; and
- (c) is identified as foal at foot in accordance with the rules of that stud book, which rules must at least include a requirement for a covering certificate.

(2) Where a horse is eligible for entry in a supplementary section of a stud book in accordance with the criteria set out in regulation 8, a recognised organisation must allow the progeny of that horse to be entered in the main section of its stud book.

Entry in supplementary section of stud book

8. Where a horse does not satisfy the criteria set out in regulation 7(1), a recognised organisation may enter that horse in a supplementary section of its stud book if that horse—

- (a) has been identified in accordance with the rules of its stud book;
- (b) is judged by the recognised organisation to conform to the breed standard; and
- (c) meets the requirements for minimum performance set out in the rules of its stud book.

Entry in stud book for an animal imported from another member State

9.—(1) Where a horse entered in a stud book in another member State is entered by a recognised organisation in its stud book following import from that State—

- (a) the horse must, subject to paragraph (2), be entered under the same name as that in the first stud book; and
- (b) the entry in the second stud book must be accompanied with an indication, in accordance with international agreements, of the initials of the country of foaling of the horse.

(2) The name of the animal as entered in the first stud book may be entered into the second stud book preceded or followed by another name provided that the original name is, at a minimum, retained in brackets as part of the entry in the second stud book.

Cross breeding programmes

10. Where a horse does not satisfy the criteria set out in regulation 7(1), a recognised organisation may enter that horse in the main section of its stud book for the purpose of it taking part in a cross-breeding programme which—

- (a) has been approved by that organisation in accordance with the rules of its stud book; and
- (b) specifies the breeds which are allowed to take part in that programme.

Revocation

11. The Horses (Zootechnical Standards) Regulations 1992(a) are revoked.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew's House,
Edinburgh
6th March 2008

(a) S.I. 1992/3045.

Criteria for Recognition

Constitution of recognised organisations

1. An organisation or association which maintains or establishes a stud book must be incorporated as a legal person.

Operation of recognised organisations

2.—(1) An organisation or association which maintains or establishes a stud book of the origin of a breed, must have established—

- (a) a system for recording pedigrees and the ability to carry out the checks necessary for recording pedigrees;
- (b) a system for identifying horses;
- (c) a definition of the characteristics of the breed covered by the stud book;
- (d) a definition of its basic objectives of selection; and
- (e) lineages entered in one or more other stud books, where necessary.

(2) An organisation or association which maintains or establishes a stud book, but does not maintain the stud book of the origin of the breed, must comply with the principles established under sub-paragraph (1) by the organisation or association which maintains the stud book of the origin of the breed.

(3) Any organisation or association which maintains or establishes a stud book must satisfy the Scottish Ministers that it operates efficiently.

Improvement and selection programmes

3. An organisation or association which maintains or establishes a stud book must—

- (a) have registered a sufficient number of horses to carry out an improvement or selection programme or to preserve the breed where this is considered necessary;
- (b) be able to provide the data necessary to carry out an improvement, selection or preservation programme; and
- (c) have established a system for providing data whereby horses can be evaluated for the purpose of improvement, selection and breed preservation.

Non-discriminatory treatment of breeders

4.—(1) Subject to sub-paragraph (2), an organisation or association which maintains or establishes a stud book must have rules of procedure which provide for non-discriminatory treatment of breeders.

(2) Where several organisations or associations already exist within the territory of the Community in respect of a particular breed, the rules of procedure of an organisation or association may provide that horses must be born in a given territory in order to qualify for entry in its stud book for birth declaration purposes.

(3) The qualification in sub-paragraph (2) does not apply where entry in the stud book is for reproduction purposes.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace for Scotland the Horses (Zootechnical Standards) Regulations 1992 (S.I. 1992/3045).

They partially implement Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae (O.J. No. L 244, 18.08.1990, p.55), and implement Commission Decision 92/353/EEC (O.J. No. L 192, 11.07.1992, p.63), Commission Decision 92/354/EEC (O.J. No. L 192, 11.07.1992, p.66), and Commission Decision 96/78/EC (O.J. No. L 19, 25.01.1996, p.39).

The Regulations specify the criteria which an organisation or association must satisfy in order to become recognised by the Scottish Ministers for the purpose of maintaining a stud book (regulation 3(1) and the Schedule to these Regulations). Any organisation or association which satisfies these criteria must be granted official recognition (regulation 3(2)).

Regulation 4 sets out the circumstances in which the Scottish Ministers must and may refuse to grant recognition to, or withdraw recognition from, an organisation or association. Any such refusal or withdrawal must be communicated to the organisation in writing.

Regulation 5 allows a person to apply for a review of a decision to refuse or withdraw recognition under regulation 4.

Regulation 6 permits a recognised organisation to divide the main section of its stud book into different classes according to the horses' merits and requires that a horse registered in another stud book is registered in the appropriate class, upon application (regulation 6).

Regulation 7 specifies the circumstances in which a recognised organisation must enter a horse in the main section of its stud book.

Regulation 9 provides for the name of origin of an animal imported from another member State to be entered into a stud book maintained by a recognised organisation.

A recognised organisation is permitted to enter a horse in a supplementary section of its stud book where that horse meets certain minimum criteria (regulation 8); and to enter a horse in the main section of its stud book to take part in a cross-breeding programme (regulation 10).

A regulatory impact assessment has not been prepared for these Regulations.

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£3.00

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