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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 231**

**The Horse Identification (Scotland) Regulations 2009**

**PART 2**

**Enforcement of the Commission Regulation**

**Competent authority**

3. The Scottish Ministers are the competent authority for the purposes of the Commission Regulation.

**Sale of horses**

4.—(1) Any person who sells a horse must give its identification document to the buyer at the time of sale.

(2) Any person who buys a horse must, within 30 days of purchase, return the identification document for that horse to the issuing body together with their name and address.

(3) In this regulation “sells” includes any transfer of ownership.

(4) Failure to comply with this regulation is an offence.

**Identification of horses**

5.—(1) The owner of a horse or, if different, the keeper who has primary responsibility for it, must comply with Article 3(1).

(2) Failure to comply with this regulation is an offence.

**Time limit for applying for an identification document**

6.—(1) The owner of a horse or, if different, the keeper who has primary responsibility for it, must apply for an identification document for that horse within the time limits set out in Article 5, and failure to do so is an offence.

(2) Where an issuing body receives an application outwith the time limits set out in Article 5 it must classify the animal as not intended for human consumption by marking the identification document accordingly.

**Application for duplicate and replacement identification documents**

7. Any person who knowingly applies for a duplicate or replacement identification document in contravention of Article 5(8) commits an offence.

**Importation**

8. The owner of a horse who—

- (a) fails to comply with Article 8(1), or
  - (b) fails, within 30 days, to request an issuing body to act in accordance with Article 8(2),
- commits an offence.

### **Detecting previous marking**

**9.** A veterinary surgeon who implants a transponder into a horse must take the measures set out in Article 10(1), and failure to do so is an offence.

### **Transponders**

- 10.—**(1) An issuing body must comply with Article 11(1).
- (2) For the purposes of Article 11, the minimum qualification for implantation of a transponder is membership of the Royal College of Veterinary Surgeons.
- (3) Failure to comply with this regulation is an offence.

### **Restriction on movement of horses without an identification document**

- 11.—**(1) The owner of a horse or, if different, the keeper who has primary responsibility for it, must comply with—
- (a) Article 13(1);
  - (b) Article 14(1); or
  - (c) shall ensure that the horse may be moved under a temporary document issued under Article 14(3).
- (2) Failure to comply with this regulation is an offence.

### **Movement to slaughter**

- 12.—**(1) Subject to paragraph (2), the owner of a horse or, if different, the keeper who has primary responsibility for it, must comply with Article 15(1), and failure to do so is an offence.
- (2) The movement of horses in accordance with Article 15(2) is authorised by way of derogation from Article 15(1).

### **Issue of duplicate and replacement identification documents**

- 13.—**(1) Where an issuing body issues a duplicate identification document it must comply with the requirements set out in Article 16(1).
- (2) The derogation in Article 16(2) may not be exercised.
- (3) Where an issuing body issues a replacement identification document it must do so in accordance with Article 17.
- (4) Failure to comply with this regulation is an offence.

### **Return of identification document upon death**

- 14.—**(1) When a horse is slaughtered or killed for disease control purposes in accordance with Article 19(2)(a)(i), the owner must return the identification document to the issuing body as soon as is reasonably practicable and inform the official veterinarian that he or she has done so.

(2) When a horse is slaughtered for human consumption, in accordance with Article 19(2)(a)(ii) the occupier of the slaughterhouse must give the identification document to the official veterinary surgeon at the slaughterhouse, who must—

- (a) record the identification number of the animal;
- (b) mark the identification document; and
- (c) send the marked identification document to the issuing body as soon as is reasonably practicable.

(3) In any other case, notwithstanding Article 19(2)(b), the owner or, if different, the keeper must return the identification document to the issuing body within 30 days of death of the horse.

(4) Failure to comply with this regulation is an offence.

(5) The return of the identification document under this Regulation constitutes the attestation required under Article 19(1)(c).

#### **Procedure by the issuing body on death**

**15.** Upon receipt of an attestation returned in accordance with Article 19(1)(c) an issuing body must—

- (a) invalidate the identification document;
- (b) ensure that the microchip number cannot be re-used; and
- (c) destroy the invalidated identification document or return it to the owner.

#### **Permitted treatment for horses intended for human consumption**

**16.—(1)** A veterinary surgeon must comply with Article 20.

(2) A veterinary surgeon must enter into an identification document the details required in paragraph 4, 5 and 7 of Part A of Part II of Annex I to the Commission Regulation.

(3) Failure to comply with this regulation is an offence.

#### **Databases**

**17.—(1)** An issuing body that fails to comply with Article 21 commits 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 issuing body by the Scottish Ministers.

#### **Prohibitions**

**18.** It is an offence to—

- (a) destroy or deface an identification document;
- (b) alter any entry in an identification document;
- (c) make a forged identification document;
- (d) knowingly be in possession of a forged identification document; or
- (e) provide any information in an application for an identification document knowing it to be false or misleading.

#### **Horses living under wild or semi-wild conditions**

**19.—(1)** The derogation in Article 7 is exercised.

(2) For the purposes of this regulation, “designated areas” are areas notified by the Scottish Ministers to the Commission by 31st December 2009 containing defined populations of horses living under wild or semi-wild conditions that do not require to be identified with identification documents while they remain within the designated area.

(3) If a horse without an identification document in a designated area is treated with any veterinary medicinal product the owner must ensure that it is fully identified and microchipped in accordance with the Commission Regulation within 30 days of treatment, and failure to do so is an offence.

(4) It is an offence to move a horse without an identification document off the designated area unless it is marked with a sticker issued by an issuing body dated with the date on which it was attached to the horse and bearing a unique identification number.

(5) Unless the horse is aged under 12 months and is being taken for slaughter for human consumption it must also be accompanied by an application for an identification document containing its silhouette and the number of the identifying sticker.

(6) Subject to paragraph (7), the owner must apply for an identification document for a horse within 30 days of its departure from the designated area and failure to do so is an offence.

(7) Paragraph (6) does not apply in the case of a horse taken to a slaughterhouse for slaughter for human consumption but it is an offence to slaughter such a horse more than 2 days after the date on the identifying sticker.