
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement and enforce in Scotland Commission Implementing Regulation (EU) 2015/262 laying down rules pursuant to Council Directives [90/427/EEC](#) and [2009/156/EC](#) as regards the methods for the identification of equidae (Equine Passport Regulation).

These Regulations revoke and replace the Horse Identification (Scotland) Regulations 2009.

The Equine Passport Regulation regulates the identification of equine animals born in, or moving within, the EU. The system of identification comprises a single lifetime identification document that must constantly accompany an equine animal, identity verification through insertion of a transponder bearing a unique code, and information entered onto databases held by issuing bodies and by Member States. Identification documents must be kept up-to-date. Competent authorities within a Member State may also expressly permit the issue of smart cards that may be carried in place of identification documents during the movement or transport of equine animals. It also provides for the issue of duplicate or replacement identification documents. On the slaughter, death or loss of the equine animal, the Equine Passport Regulation requires the recovery and destruction or disposal of the transponder, and the rendering invalid of an identification document prior to its return to the issuing body.

These Regulations provide for the following:—

- The Scottish Ministers are designated as the competent authority (regulation 3).
- Identification documents must be issued no later than either 31 December in the year of the equine animal's birth or 6 months after its birth, whichever is the later (regulation 6).
- The time limit for submission of an application for an identification document is no later than 30 days prior to the above deadlines (regulation 5).
- Regulation 11 sets out the measures to be taken by various parties in relation to the verification of identification and the implantation of transponders in equine animals.
- Within Scotland, equine animals may be moved or transported unaccompanied by their identification document provided they are accompanied by a smart card issued by the appropriate issuing body (regulation 12).
- Regulation 14 enables the Scottish Ministers to maintain a database of equine animals whose details are recorded by Scottish issuing bodies.
- Regulations 15 and 16 make provision for enforcement, including powers of inspectors.
- Regulations 17 to 28 and the Schedule make provision for offences and penalties, including powers to issue fixed penalty notices (regulation 27).
- A fixed penalty notice may be issued by an authorised officer of a local authority, in respect of breaches of Article 23(1), and of Article 26(1)(a) (regulation 27).

A business regulatory impact assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Directorate for Agriculture and Rural Economy, Animal Health and Welfare Division, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD.