
WELSH STATUTORY INSTRUMENTS

2009 No. 2470

The Equine Identification (Wales) Regulations 2009

PART 2

Enforcement of the Commission Regulation

Competent authority for the Commission Regulation

3. The Welsh 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 the sale.

(2) The buyer must, within 30 days of purchase, return the identification document for that horse to the issuing body and must notify the issuing body of the buyer's name and address.

(3) In this regulation "sell" ("*gwerthu*") includes any transfer of ownership.

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

Identification of horses within time limits

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 paragraph (1) is an offence.

(3) In accordance with Article 5(5)—

(a) only an owner may apply for an identification document, and

(b) the owner must apply for an identification document within the time limits set out in Article 5, and failure to do so is an offence.

(4) If an application for an identification document is received outside the time limits, the issuing body must stamp the identification document that the horse is not intended for slaughter for human consumption.

Application for duplicate and replacement identification documents

6. Any person who applies for a duplicate or replacement identification document in contravention of Article 5(8) is guilty of an offence.

Importation

7. The owner of a horse who—

(a) fails to comply with Article 8(1) (identification of imported equidae), or

- (b) fails, within 30 days, to request an issuing body to act in accordance with Article 8(2) (provision of additional information),

is guilty of an offence.

Detecting previous active marking of horses

8. A veterinary surgeon who implants a transponder into a horse must carry out the procedures set out in Article 10(1) (measures to detect previous active marking), and failure to do so is an offence.

Transponders

9.—(1) An issuing body must comply with Article 11(1) (implantation of a transponder).

(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

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

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

(2) A smart card must be in a format approved by the Welsh Ministers under this regulation, and the Welsh Ministers must only authorise a smart card on being satisfied that it will operate effectively.

(3) Failure to comply with paragraph (1) is an offence.

Movement for slaughter

11. The owner of a horse or, if different, the keeper who has primary responsibility for it must comply with Article 15(1) (movement for slaughter), and failure to do so is an offence.

Issue of duplicate and replacement identification documents

12.—(1) Where an issuing body issues a duplicate identification document it must stamp an identification document as a duplicate, or classify the animal as being not intended for slaughter for human consumption, in accordance with Article 16(1).

(2) The derogation in Article 16(2) of the Commission Regulation may not be exercised.

(3) Where an issuing body issues a replacement identification document it must do so in accordance with Article 17 (issuing replacement documents).

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

Return of identification document upon death of a horse

13.—(1) When a horse is slaughtered or killed for disease control purposes, the official veterinary surgeon responsible for the slaughter or killing must, in accordance with Article 19(2)(a)(i), return the identification document to the issuing body as soon as is reasonably practicable.

(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 accordingly; 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 of a horse or, if different, the keeper must return the identification document to the issuing body within 30 days of the death of the horse.

(4) The return of the identification document under this regulation is the attestation required under Article 19(1)(c).

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

Procedure by the issuing body upon death of a horse

14. Upon receipt of an attestation returned in accordance with Article 19(1) 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.

Permitted treatment for horses intended for human consumption

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

(2) A veterinary surgeon must enter into an identification document the details required in paragraphs 4 (Vaccination record), 5 (Laboratory health tests) and 7 (Administration of veterinary medicinal products) of Part A of Part II (Information shown on passport) of Annex I to the Commission Regulation.

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

Databases

16.—(1) An issuing body 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 issuing body by the Welsh Ministers.

Prohibitions

17. It is an offence to—

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

Certain horses living on specified commons

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

(2) For the purposes of this regulation, “designated areas” (“*ardaloedd dynodedig*”) are areas notified by the Welsh Ministers to the Commission by 1 October 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 medical 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 number 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 7 days after the date on the identifying sticker.