

WELSH STATUTORY INSTRUMENTS

2019 No. 57

The Equine Identification (Wales) Regulations 2019

PART 5

Enforcement and penalties

Enforcing authorities

31.—(1) These Regulations and the EU Regulation are enforced by the local authority.

(2) The Welsh Ministers may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on the local authority under this regulation must be discharged by the Welsh Ministers and not by the local authority and in such cases, the Welsh Ministers will be the enforcing authority for the purposes of these Regulations.

Commencement Information

11 Reg. 31 in force at 12.2.2019, see [reg. 1\(1\)](#)

Appointment of inspectors

32. The Welsh Ministers or an enforcing authority may appoint a person (an “inspector”) for the purpose of enforcing these Regulations or the EU Regulation.

Commencement Information

12 Reg. 32 in force at 12.2.2019, see [reg. 1\(1\)](#)

Inspectors: powers of entry and general powers

33.—(1) An inspector may, on producing a duly authenticated authorisation if required, enter any land, premises (excluding any premises not containing any equine and used only as a dwelling) or property for the purpose of administering and enforcing these Regulations or the EU Regulation; and, for the purposes of this regulation, “premises” includes any vehicle or container.

(2) An inspector may—

- (a) require the production of an ID and mark it as necessary;
- (b) carry out any inquiries;
- (c) have access to, and inspect and copy any documents or records (in whatever form they are held) relevant to these Regulations or the EU Regulation, and remove them to enable them to be copied;
- (d) inspect and check the operation of any computer and any associated apparatus or material that is, or that may have been, in use in connection with documents or records; and

(e) mark any equine for identification purposes.

(3) Where an inspector has entered any premises and it is not reasonably practicable to determine whether documents on those premises are relevant to these Regulations or the EU Regulation, the inspector may seize them to ascertain whether or not they are relevant.

[^{F1}(4) The inspector may be accompanied by such other persons as the inspector considers necessary.]

F1 Reg. 33(4) substituted (W.) (31.12.2020) by [The Equine Identification \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/250\)](#), regs. 1(1), 2(5); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I3 Reg. 33 in force at 12.2.2019, see [reg. 1\(1\)](#)

Criminal penalties

34. Subject to regulation 35, a person who is guilty of an offence under these Regulations is liable, on summary conviction, to a fine.

Commencement Information

I4 Reg. 34 in force at 12.2.2019, see [reg. 1\(1\)](#)

Choosing to pursue civil sanctions instead of criminal penalties

35.—(1) An enforcing authority may impose a civil sanction, or a combination of civil sanctions, under Part 6 against a person (an “offender”) if the authority is satisfied beyond reasonable doubt that the offender is guilty of an offence described in Part 4.

(2) Subject to paragraph (3), criminal proceedings against an offender may not be started or continued if an enforcing authority, in respect of the offence—

- (a) chooses to apply civil sanctions under paragraph (1); and
- (b) serves on the offender—
 - (i) a compliance notice;
 - (ii) a non-compliance penalty notice; or
 - (iii) a fixed monetary penalty notice.

(3) If the offender fails to comply with civil sanctions served under paragraph (2)(b), the enforcing authority may start criminal proceedings.

Commencement Information

I5 Reg. 35 in force at 12.2.2019, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Equine Identification (Wales) Regulations 2019, PART 5.