
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 40

The Horse Passports Regulations (Northern Ireland) 2010

PART 3

Enforcement

Powers of entry

18.—(1) An authorised officer may, on producing a duly authenticated authorisation document, at all reasonable hours, enter any premises (excluding any premises not containing any horse and used only as a dwelling) for the purpose of administering and enforcing these Regulations; and in this regulation “premises” includes any vehicle or container.

(2) An authorised officer may—

- (a) require the production of a passport and mark it as necessary;
- (b) carry out any inquiries;
- (c) have access to, and inspect and copy any records (in whatever form they are held) relevant to these Regulations;
- (d) remove such records to enable them to be copied;
- (e) have access to, inspect and check the operation of any computer and any associated apparatus or material that is or has been in use in connection with the records, and for this purpose may require any person having charge of, or otherwise concerned with the operation of the computer, apparatus or material to afford the authorised officer such assistance as may reasonably be required and, where records are kept by means of computer, may require the records to be produced in a form in which they may be taken away;
- (f) where an authorised officer has entered any premises and it is not reasonably practicable to determine whether documents on those premises are relevant to these Regulations, the authorised officer may seize them to ascertain whether or not they are relevant;
- (g) mark any horse or other thing for identification purposes; and
- (h) be accompanied by—
 - (i) such other persons as the authorised officer considers necessary; and
 - (ii) any representative of the European Commission acting for the purpose of the enforcement of a Community obligation.

(3) It is an offence to deface, obliterate or remove any mark applied under paragraph (2) except under the written authority of an authorised officer.

(4) In this regulation “authorised officer” means any person authorised by the Department to enforce these Regulations.

Obstruction

19. It is an offence to—

- (a) intentionally obstruct any person acting under these Regulations;
- (b) without reasonable cause fail to give to any person acting under these Regulations any assistance or information that person may reasonably require under these Regulations;
- (c) furnish to any person acting under these Regulations any information knowing it to be false or misleading; or
- (d) fail to produce a record or passport when required to do so to any person acting under these Regulations.

Penalties

20. A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine

Offences by bodies corporate

21. For the purposes of these Regulations, section 20(2) of the Interpretation Act (Northern Ireland) 1954 applies with the omission of the words “the liability of whose members is limited” and where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with the member’s functions of management as if the member were a director of the body corporate.

Offences by partnerships and unincorporated associations

22.—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) Rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate;
- (b) Section 18 of the Criminal Justice Act (Northern Ireland) 1945(1) and Article 166 of and Schedule 4 to the Magistrates’ Courts (Northern Ireland) Order 1981(2) apply in relation to the partnership or association as they apply in relation to a body corporate.

(3) A fine imposed on a partnership or association on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership or association.

(4) Where an offence under these Regulations committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner (as well as the partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, “partner” includes a person purporting to act as a partner.

(5) Where an offence under these Regulations committed by an unincorporated association is proved to have been committed with the consent or connivance of, or to be attributable to any neglect

(1) 1945 c. 15. Sub-sections (1) and (2) were repealed by 1964 c.21 (NI). Sub-section (3) was amended by Article 10 of 1972 NI 1 and by section 85 and paragraph 1 of Schedule 12 to 2002 c.26.

(2) 1981 No. 1675 N.I. 26.

on the part of, an officer of the association, that officer (as well as the association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, “officer” means an officer of the association or a member of its governing body, or a person purporting to act in such capacity.

Revocations

- 23.** The Horse Passports Regulations (Northern Ireland) 2004⁽³⁾ are revoked.

(3) S.R. 2004/497.