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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 67**

**The Equine Identification Regulations (Northern Ireland) 2019**

**PART 3**

**Enforcement**

**General**

**14.**—(1) An owner is guilty of an offence if the owner breaches a prohibition, or fails to comply with a requirement, which applies to an owner in Part 2 or in the Commission Implementing Regulation.

(2) A keeper is guilty of an offence if the keeper breaches a prohibition, or fails to comply with a requirement, which applies to a keeper in Part 2 or in the Commission Implementing Regulation.

(3) An issuing body is guilty of an offence if the issuing body breaches a prohibition, or fails to comply with a requirement, which applies to an issuing body in Part 2 or in the Commission Implementing Regulation.

(4) Subject to paragraph (5), a veterinary surgeon is guilty of an offence if the veterinary surgeon breaches a prohibition, or fails to comply with a requirement, which applies to a veterinary surgeon in Part 2 or in the Commission Implementing Regulation.

(5) A veterinary surgeon is not guilty of an offence for failing to enter information into, or failing to update, a passport if the veterinary surgeon has asked the responsible person for the passport for that purpose and the responsible person does not provide, or has not provided, the passport to the veterinary surgeon.

**Powers of entry**

**15.**—(1) An authorised officer may, on producing a duly authenticated authorisation document, at all reasonable hours, enter any premises (excluding 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 is necessary;
- (b) carry out any inquiries;
- (c) have access to, and inspect and copy any records (in whatever format 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 any other thing for identification purposes; and
- (h) be accompanied by such persons as the authorised officer considers necessary.

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

### **Obstruction**

**16.** It is an offence to—

- (a) intentionally obstruct any person acting under this 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.

### **Offences in relation to passports**

**17.—(1)** A person is guilty of an offence if the person, otherwise than in accordance with any entitlement, obligation or requirement to do so in these Regulations or the Commission Implementing Regulation—

- (a) destroys or defaces a passport;
- (b) alters any entry in a passport;
- (c) makes a forged passport; or
- (d) is knowingly in possession of a forged passport.

(2) Paragraph 1(d) does not apply if the person, at the time concerned, holds a forged passport simply for the purpose of destroying it or providing it to an authorised officer, the police or the Department.

### **Penalties**

**18.** 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**

**19.** 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**

**20.**—(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 purpose 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<sup>(1)</sup> and Article 166 of an Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981<sup>(2)</sup> 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.

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

(6) 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 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.

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

### **Revocations**

**21.** The Horse Passports Regulations (Northern Ireland) 2010<sup>(3)</sup> are revoked.

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(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 and by section 85 and paragraph 1 of Schedule 12 to 2002 c.26

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

(3) S.R. 2010 No.40