

2019 No. 67

EUROPEAN COMMUNITIES

ANIMALS

The Equine Identification Regulations (Northern Ireland) 2019

Made - - - - *27th March 2019*

Coming into operation - *29th March 2019*

The Department of Agriculture, Environment and Rural Affairs(a) is designated(b) for the purposes of section 2(2) of the European Communities Act 1972(c) (“the 1972 Act”) in relation to the common agricultural policy of the European Union.

The Department makes the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to the 1972 Act(d).

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as The Equine Identification Regulations (Northern Ireland) 2019 and, shall come into operation on 29th March 2019.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to this Order as it applies to an Act of the Assembly.

(2) In these Regulations—

“authorised officer” means any person authorised by the Department to enforce these Regulations;

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- (a) Formerly the Department of Agriculture and Rural Development (DARD) *see* Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)). DARD was renamed the Department of Agriculture, Environment and Rural Affairs by section 1(2) of the Department Act (Northern Ireland) 2016 (c.5 (N.I.)).
- (b) S.I.2000/2812.
- (c) 1972 c.68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) (the 2006 Act) and by section 3 of, and the Schedule to, the European Union (Amendment) Act 2008 (c.7) (the 2008 Act).
- (d) Paragraph 1A Schedule 2 to the 1972 Act was inserted by section 28 of the 2006 Act and amended by section 3 of, and the Schedule to, the 2008 Act and by S.I. 2007/1388.

“Commission Implementing Regulation” means Commission Implementing Regulation (EU) No. 2015/262(a) (laying down rules pursuant to Council Directives 90/427/EEC(b) and 2009/156/EC(c) as regards the methods for the identification of equidae (Equine Passport Regulation)) as amended from time to time;

“the Department” means the Department of Agriculture, Environment and Rural Affairs;

“horse” means wild or domesticated solipeds within the genus *Equus* of the family Equidae, and their crosses;

“issuing body” means an issuing body in accordance with the Commission Implementing Regulation;

“passport” means an identification document for the identification of a horse in accordance with the Commission Implementing Regulation;

“veterinary surgeon” means a person registered as such under the Veterinary Surgeons Act 1966(d).

(3) Any reference in these Regulations to a numbered Article is a reference to the Article so numbered in the Commission Implementing Regulation.

(4) Expressions used both in these Regulations and in the Commission Implementing Regulation shall have the same meaning in these Regulations as they have in the Commission Implementing Regulation.

PART 2

Administrative and procedural provisions and requirements

Competent Authority for the Commission Implementing Regulation

3. The Department is the competent authority for the purposes of the Commission Implementing Regulation.

Identification of horses

4. A person must not keep a horse unless it is identified in accordance with the Commission Implementing Regulation and these Regulations.

Transfer of ownership of horses

5.—(1) A person who transfers the ownership of a horse to another person (the “transferee”) must give its passport to the transferee at the time of the transfer.

(2) Before the end of the period of 30 days beginning with the day on which the transfer took effect, the transferee must —

- (a) notify the issuing body of —
 - (i) the transfer of ownership; and
 - (ii) the transferee’s name, address and contact details; and
- (b) send the passport for the horse concerned to the issuing body.

(a) OJ No. L59, 3.3.2015, p.1

(b) OJ No. L224 18.8.1990, p.55. The directive was amended by Council Directive 2008/73/EC of 15 July 2008 (OJ No. L219, 14.8.2008, p.40)

(c) OJ No. L192, 23.7.2010, p.1. The directive was amended by Council Directive 2013/20/EU of 13 May 2013 (OJ No. L158, 10.6.2013, p234 and by Commission Implementing Decision (EU) 2016/1840 of 14 October 2016 (OJ No. L280, 18.10.2016, p.33)

(d) 1966 c.36

Application for passports

6.—(1) In accordance with Article 3(3) and Article 11(1) it is the responsibility of the owner of a horse located in a holding in Northern Ireland to ensure that an application for a passport is submitted to an issuing body on or before the date set out in paragraph (2).

(2) The date is the last day of the period of 6 months beginning with the day on which the horse was born.

Provision of information to an issuing body

7. The keeper must provide to the issuing body all information necessary to allow the body to complete an existing passport for the purposes of Article 15(2), subject to Article 15(3), so that it complies with the requirements of Article 7(2).

Transponders

8.—(1) The minimum qualification for the purposes of Article 18(3) (implantation of a transponder) is membership of the Royal College of Veterinary Surgeons.

(2) For the purposes of Article 18(5), the owner of a horse or, if different, the keeper who has primary responsibility for it, must arrange for a veterinary surgeon to implant a transponder into a horse that is deemed to be identified in accordance with Articles 4(2) or 43(1) if a previously implanted and recorded transponder ceases to function.

(3) A veterinary surgeon who implants a transponder into a horse must ensure that it displays a code unique to that transponder.

Detecting previous active markings of horses

9. A veterinary surgeon who is implanting a transponder into a horse must carry out the measures set out in Article 17(1) (measures to detect previous identification of equidae).

Accompanying documentation

10. The owner of a horse or, if different, the keeper who has primary responsibility for it must comply with Article 23(1) to ensure that a horse's passport accompanies the horse at all times except —

- (a) when not required in accordance with Article 23(2); or
- (b) when the horse is accompanied by a smart card issued in accordance with Article 25(1); or
- (c) when the horse is accompanied by a temporary document issued in accordance with Article 24(1).

Modification of identity details in passports

11. If the owner believes that any identity details contained in the horse's passport require modification or updating, whether pursuant to Article 27 or otherwise, the owner must ask the issuing body to modify or update the passport.

Slaughter or death of a horse

12. On the slaughter or death of a horse an official veterinarian or a person acting under the supervision of an official veterinarian, in accordance with Article 34(1)(c)(ii), must return an invalidated passport to the issuing body as soon as is reasonably practicable.

Databases

13.—(1) For the purposes of Article 40(1), an issuing body must incorporate the information falling within Articles 28(e) and 38(1) into the central database.

(2) The Department may issue guidance to issuing bodies about the central database and how to enter information into it.

(3) The Department may share any data or information held or stored in, or which is to be held or stored in, the central database with the Secretary of State in England, the Scottish Ministers, or the Welsh Ministers.

(4) In this regulation “central database” means the database established in accordance with Article 39.

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(a) and Article 166 of an Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981(b) 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(c) are revoked.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 27th March 2019.



Colette McMaster
A senior officer of the
Department of Agriculture, Environment and Rural Affairs

(a) 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
(b) 1981 No. 1675 N.I. 26
(c) S.R. 2010 No.40

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations enforce Commission Implementing Regulation (EU) 2015/262 in Northern Ireland. They provide for identification of horses, and replace the Horse Passport Regulations (Northern Ireland) 2010.

Part 2 of the regulation contains provisions which set out various administrative and procedural requirements.

Part 3 of the Regulations sets out offences for breach of the requirements of these Regulations and the Commission Implementing Regulation and contains provisions about enforcement and penalties. It provides that the Regulations are enforced by the Department of Agriculture, Environment and Rural Affairs, and gives powers to inspectors authorised by that authority.

Breach of the Regulations is an offence punishable—

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

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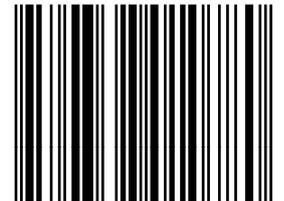
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£6.90

NI201903271029 04/2019 19585

<http://www.legislation.gov.uk/id/nisr/2019/67>

ISBN 978-0-33-801078-0



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