

EXECUTIVE NOTE

The Horse Identification (Scotland) Regulations 2009 SSI 2009/231

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Scottish Ministers that it is expedient for the reference in regulation 2 to the Commission Regulation to be a reference to that instrument as amended from time to time.

Policy Objectives

The purpose of the instrument is to introduce the new proposals regarding the identification of equine animals in Scotland from 01 July 2009.

EU Parliament and Commission Regulation (EC) No 504/2008 (the Regulation) establishes a system for the identification of equine animals. The Regulation comes into force on 1 July 2009 and amongst others, requires the microchipping of all equine animals after this date.

The new identification rules will be implemented in Scotland through new domestic regulations in line with Commission Regulation 504/2008.

Scope of the Regulations

These Regulations make provision in Scotland for the enforcement of Commission Regulation (EC) No. 504/2008.

These Regulations revoke and replace the Horse Passports (Scotland) Regulations 2005. They also revoke the Horse Passports (Scotland) Amendment Regulations 2007.

They provide for identification of horses and other equine animals by means of an identification document which is to be linked to an animal by an electronic microchip. The microchip contains a unique life number which will be recorded on the identification document and within a National Equine Database.

Part 1 of the Regulations extends the rules on identification of equidae to include zebra and other exotic equidae not previously covered.

Part 2 of the Regulations creates offences for breach of provisions of the Commission Regulation, and provides for the administration of veterinary medicinal products for horses intended for human consumption.

Part 3 provides that the Regulations are enforced by the local authority, except in certain specified circumstances, and confers powers on inspectors.

Breach of the Regulations is an offence punishable on summary conviction by a fine up to the statutory maximum or three months imprisonment, or both. On indictment the penalty is an unlimited fine or two years imprisonment, or both (regulation 22).

Consultation

Within Government – The following Government Agencies/Departments were included in the consultation: the Chief Veterinary Officer for Scotland, CoSLA, Scottish Government Animal Health and Welfare Division, Scottish Government Public Health Division and the Food Standards Agency Scotland.

Public – The consultation package was distributed to Passport Issuing Organisations, livery yards, equestrian groups, welfare organisations and The Royal Zoological Society of Scotland.

The full consultation list can be found at the end of the Regulatory Impact Assessment.

Financial Effects

The instrument has no financial effects on the Scottish Government. It is estimated that 50% of new born foals within the UK require microchips to comply with Breed Society/Weatherby (Thoroughbred racing) Rules. There is a requirement under the new regulation that foals are microchipped by a qualified veterinary surgeon. It is assumed that 70% of foals that are not currently microchipped would have an identification silhouette completed by a vet. There is no additional cost for these foals under the new Regulations as the cost of a microchip is comparable to the cost of a silhouette completed by a vet. The remaining 15% of silhouettes are completed by an authorised breeder/identifier, rather than a vet, at an average cost of £23 per horse. It is estimated that the owners of these foals will be affected by an increased cost of £37 per animal due to the cost of microchipping by a vet. This cost would be reduced to £20 if microchipping is carried out during a veterinary visit for other purposes.