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STATUTORY INSTRUMENTS

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**2009 No. 1611**

**The Horse Passports Regulations 2009**

**PART 2**

Enforcement of [Commission Regulation \(EC\) No. 504/2008](#)

**Competent authority for [Commission Regulation \(EC\) No. 504/2008](#)**

3. The Secretary of State is the competent authority for the purposes of [Commission Regulation \(EC\) No. 504/2008](#) and acts as the member State for the purposes of that Regulation.

**Sale of horses**

4.—(1) An owner who sells a horse must give its passport to the buyer at the time of the sale.

(2) The buyer must notify the transaction to the passport issuing organisation for registration of the new ownership within 30 days, and include—

- (a) the buyer's name and address, and
- (b) the identification of the horse.

(3) In this regulation “sell” includes any transfer of ownership.

(4) Failure to comply with this regulation is an offence.

**Passports**

5.—(1) The owner of a horse and, if different, the keeper who has primary responsibility for it who fail to comply with Article 3(1) of [Commission Regulation \(EC\) No. 504/2008](#) are guilty of an offence.

(2) In accordance with Article 5(5) of that Regulation—

- (a) only an owner may apply for a passport, and
- (b) the owner must apply for a passport within the time limits set out in Article 5, and failure to do so is an offence.

(3) If an application for a passport is received outside the time limits, the passport issuing organisation must stamp the passport that the horse is not intended for slaughter for human consumption.

**Application for duplicate and replacement passports**

6. Any person who applies for a duplicate or replacement passport in contravention of Article 5(8) of [Commission Regulation \(EC\) No. 504/2008](#) is guilty of an offence.

**Importation**

7. The owner of a horse who—

- (a) fails to comply with Article 8(1) of [Commission Regulation \(EC\) No. 504/2008](#) (identification of imported horses), or
- (b) fails to request a passport issuing organisation within 30 days of importation to act in accordance with Article 8(2) of that Regulation (provision of additional information),

is guilty of an offence.

### **Detecting previous active marking of horses**

**8.** A veterinary surgeon who, in implanting a transponder into a horse, who fails to carry out the procedures set out in Article 10(1) of [Commission Regulation \(EC\) No. 504/2008](#) (measures to detect previous active marking) is guilty of an offence.

### **Transponders**

**9.—(1)** A passport issuing organisation that fails to comply with Article 11(1) of [Commission Regulation \(EC\) No. 504/2008](#) (implantation of a transponder) is guilty of an offence.

(2) The minimum qualification for implanting a transponder for the purposes of that Article is membership of the Royal College of Veterinary Surgeons.

### **Accompanying documentation**

**10.—(1)** The owner of a horse and, if different, the keeper who has primary responsibility for it who fail to comply with—

- (a) Article 13(1) of [Commission Regulation \(EC\) No. 504/2008](#) (movement and transport),
- (b) Article 14(1) of that Regulation (smart cards), or
- (c) Article 14(3) of that Regulation (temporary documents),

are guilty of an offence.

(2) A smart card must be in a format approved by the Secretary of State under this regulation, and the Secretary of State must only authorise a smart card on being satisfied that it will operate effectively.

### **Movement to slaughter**

**11.** The owner of a horse and, if different, the keeper who has primary responsibility for it who fail to comply with Article 15(1) of [Commission Regulation \(EC\) No. 504/2008](#) (movement to slaughter) are guilty of an offence.

### **Issue of duplicate and replacement passports**

**12.—(1)** A passport issuing organisation that fails to stamp a passport as a duplicate, or classify the animal as being not intended for slaughter for human consumption, in accordance with Article 16(1) of [Commission Regulation \(EC\) No. 504/2008](#), is guilty of an offence.

(2) The derogation in Article 16(2) of that Regulation may not be exercised.

(3) A passport issuing organisation that issues a replacement passport other than in accordance with Article 17 of that Regulation (issuing replacement documents) is guilty of an offence.

### **Procedure on death**

**13.—(1)** When a horse is slaughtered or killed for disease control purposes, the official veterinary surgeon responsible for the slaughter or killing must, in accordance with Article 19(2)(a)(i) of

[Commission Regulation \(EC\) No. 504/2008](#), return the passport to the passport issuing organisation as soon as is reasonably practicable.

(2) When a horse is slaughtered for human consumption, in accordance with Article 19(2)(a)(ii) of that Regulation the occupier of the slaughterhouse must give the passport to the official veterinary surgeon at the slaughterhouse, who must record the identification number of the animal, mark the passport accordingly and send the marked passport to the passport issuing organisation as soon as is reasonably practicable.

(3) In any other case, notwithstanding Article 19(2)(b) of that Regulation, the keeper must return the passport to the passport issuing organisation within 30 days of the death of the horse, and failure to do so is an offence.

(4) The return of the passport under this regulation is the attestation required under Article 19(1)(c) of that Regulation.

#### **Procedure by the passport issuing organisation on death**

14. When a passport issuing organisation is notified of the death of a horse, it must invalidate the passport and ensure that the transponder number cannot be re-used, in accordance with Article 19(1)(a) and (b) of [Commission Regulation \(EC\) No. 504/2008](#), but it may return the invalidated passport to the owner.

#### **Treatment with a veterinary medicinal product**

15.—(1) A veterinary surgeon who fails to comply with Article 20 of [Commission Regulation \(EC\) No 504/2008](#) is guilty of an offence.

(2) A veterinary surgeon who fails to enter into a passport the details required in section V, VI, VII or IX of the passport is guilty of an offence.

#### **Databases**

16.—(1) A passport issuing organisation that fails to comply with Article 21 of [Commission Regulation \(EC\) No. 504/2008](#) (records on a database) is guilty of an offence.

(2) For the purposes of Article 21(3) of that Regulation, the communication of the information to the central database must be made in accordance with a written notice served on the passport issuing organisation by the Secretary of State.

#### **Prohibitions**

17. It is an offence to—

- (a) destroy or deface a passport;
- (b) alter any entry in a passport; or
- (c) be in possession of a passport knowing it to be forged.

#### **Dartmoor, Exmoor and the New Forest**

18. The Schedule makes provision for Dartmoor, Exmoor and the New Forest.