
STATUTORY INSTRUMENTS

2018 No. 761

The Equine Identification (England) Regulations 2018

PART 4

Criminal offences

General

24.—(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 (including an owner as a responsible person) in Parts 2 and 3 or in the EU 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 (including a keeper as a responsible person) in Parts 2 and 3 or in the EU 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 Parts 2 and 3 or in the EU Regulation.

(4) It is not an offence to fail to provide a copy of a list or a stud book under regulation 17(3).

(5) Subject to paragraph (6), 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 Parts 2 and 3 or in the EU Regulation.

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

Withholding ID from the responsible person

25. A person is guilty of an offence if the person, without reasonable excuse, withholds an equine's ID from the responsible person.

Provision of false or misleading information

26. A person is guilty of an offence if the person makes a statement or provides information that is false or misleading—

- (a) when applying for an ID to be issued or varied;
- (b) in relation to the entering of information into an ID or the registration of an ID; or
- (c) to any person acting in relation to the enforcement of these Regulations or the EU Regulation.

Possession of a forged ID

27.—(1) A person is guilty of an offence if the person is in possession of an ID knowing it to be a forgery.

(2) Paragraph (1) does not apply if the person, at the time concerned, holds a forged ID simply for the purpose of destroying it or providing it to an enforcing authority, the police or the Secretary of State.

Improper destruction, defacement or alteration, etc

28. 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 EU Regulation—

- (a) destroys or defaces an ID;
- (b) alters any entry in an ID; or
- (c) defaces, obliterates or removes any mark applied under regulation 35, except under the written authority of an inspector.

Offences relating to implantation of transponder

29. A person is guilty of an offence if the person knowingly—

- (a) implants, or attempts to implant, into an equine, a device which—
 - (i) is not a genuine transponder; or
 - (ii) has previously been inserted into, or used for, another animal; or
 - (iii) tampers with, or otherwise alters, a transponder with intent to deceive.

Obstruction

30. A person is guilty of an offence if the person—

- (a) intentionally obstructs an inspector acting in the course of enforcing these Regulations or the EU Regulation;
- (b) without reasonable cause, fails to give to an inspector acting in the course of enforcing these Regulations or the EU Regulation any assistance or information that the inspector may reasonably require for that purpose; or
- (c) fails to produce a document, record or ID when required to do so to any person acting in the course of enforcing these Regulations or the EU Regulation.

Offences by bodies corporate

31.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar person of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

that person (as well as the body corporate) is also guilty of the offence.

(2) In this regulation “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Offences by partnerships and unincorporated associations

32.—(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 33 of the Criminal Justice Act 1925⁽¹⁾ and Schedule 3 to the Magistrates' Courts Act 1980⁽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 for an offence under these Regulations is to be paid out of the funds of the partnership or association.
- (4) Where a partnership is guilty of an offence under these Regulations, and that offence 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 also guilty of the offence.
- (5) For these purposes, "partner" includes a person purporting to act as a partner.
- (6) Where an unincorporated association is guilty of an offence under these Regulations, and that offence 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 also guilty of the offence.
- (7) 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.

(1) 1925 c.86. Relevant amending enactments are Schedule 6 to the Magistrates' Court Act 1952 (c.55) and Schedule 8 to the Courts Act 1971 (c.23).

(2) 1980 c.43. Relevant amending enactments are sections 25 and 101 of, and Schedule 13 to, the Criminal Justice Act 1991 (c.53); and Schedules 3 and 37 to the Criminal Justice Act 2003 (c.44).