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STATUTORY INSTRUMENTS

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**2018 No. 761**

**The Equine Identification (England) Regulations 2018**

**PART 5**

**Enforcement and penalties**

**Enforcing authorities**

- 33.** These Regulations and the EU Regulation are enforced by the following local authorities—
- (a) in any part of England where there is, within the meaning of the Local Government Changes for England Regulations 1994<sup>(1)</sup>, a unitary authority for that local government area, that authority;
  - (b) where there is not a unitary authority—
    - (i) in a metropolitan district, the council of that district;
    - (ii) in a non-metropolitan county, the council of that county; or
    - (iii) in each London borough, the council of that borough;
  - (c) in the City of London, the Common Council.

**Appointment of inspectors**

**34.** The Secretary of State or an enforcing authority may appoint a person (an “inspector”) for the purpose of enforcing these Regulations or the EU Regulation.

**Inspectors: powers of entry and general powers**

**35.—(1)** An inspector may, on producing a duly authenticated authorisation if required, enter any land, premises (excluding any premises not containing any equine and used only as a dwelling) or property for the purpose of administering and enforcing these Regulations or the EU Regulation; and, for the purposes of this regulation, “premises” includes any vehicle or container.

- (2) An inspector may—
- (a) require the production of an ID and mark it as necessary;
  - (b) carry out any inquiries;
  - (c) have access to, and inspect and copy any documents or records (in whatever form they are held) relevant to these Regulations or the EU Regulation, and remove them to enable them to be copied;
  - (d) inspect and check the operation of any computer and any associated apparatus or material that is, or that may have been, in use in connection with documents or records; and
  - (e) mark any equine for identification purposes.

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(1) [S.I. 1994/867](#), to which there are amendments but none are relevant for these Regulations.

(3) Where an inspector has entered any premises and it is not reasonably practicable to determine whether documents on those premises are relevant to these Regulations or the EU Regulation, the inspector may seize them to ascertain whether or not they are relevant.

(4) The inspector may be accompanied by—

- (a) such other persons as the inspector considers necessary; and
- (b) any representative of the European Commission acting for the purpose of the enforcement of an EU obligation.

### **Criminal penalties**

**36.** Subject to regulations 32 and 37, a person who is guilty of an offence under these Regulations is liable, on summary conviction, to a fine.

### **Choosing to pursue civil sanctions instead of criminal penalties**

**37.—(1)** An enforcing authority may impose a civil sanction, or a combination of civil sanctions, under Part 6 against a person (an “offender”) if the authority is satisfied beyond reasonable doubt that the offender is guilty of an offence described in Part 4.

(2) Criminal proceedings against the offender may not be started or continued if an enforcing authority, in respect of the offence—

- (a) chooses to apply civil sanctions under paragraph (1); and
- (b) serves on the offender—
  - (i) a compliance notice;
  - (ii) a non-compliance penalty notice; or
  - (iii) a fixed monetary penalty notice.