Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Horse Passports (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCOTTISH STATUTORY INSTRUMENTS

2005 No. 223

ANIMALS

The Horse Passports (Scotland) Regulations 2005

Made - - - -	*21st April 2005*
Laid before the Scottish Parliament - - - -	*22nd April 2005*
Coming into force - -	*16th May 2005*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, application and commencement

1.—(1) These Regulations may be cited as the Horse Passports (Scotland) Regulations 2005 and shall come into force on 16th May 2005.

(2) These Regulations extend to Scotland only.

Commencement Information

I1 Reg. 1 in force at 16.5.2005, see **reg. 1(1)**

Interpretation

2. In these Regulations–

"horse" means a domestic animal of the equine or asinine species or a crossbreed of those species;

"keeper" means a person appointed by the owner to have day to day charge of the horse;

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(**2**);

"passport" means–

(**1**) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(**2**) 1994 c. 39.

(a) an identification document for a horse issued by a passport-issuing organisation containing all the information required by regulation 9(3) or 1(3); or

(b) in the case of such an identification document issued before the coming into force of these Regulations but which does not contain the pages in Section IX of the passport, that document with the Section IX pages attached in accordance with regulation 10,

and "Section IX pages" means those pages;

"passport-issuing organisation" has the meaning given to that term in regulation 3; and

"sell" includes any transfer of ownership, and "sale" shall be construed accordingly.

Commencement Information

I2 Reg. 2 in force at 16.5.2005, see **reg. 1(1)**

Organisations authorised to issue passports

3. The following organisations are authorised to issue passports (and any such organisation is referred to in these Regulations as a "passport issuing organisation")–

(a) organisations which maintain or establish stud-books for registered horses and which are recognised by the Scottish Ministers or by any other authority in the United Kingdom competent to recognise such organisations under regulation 3 of the Horses (Zootechnical Standards) Regulations 1992(**3**);

(b) organisations recognised in another part of the United Kingdom or another Member State under legislation which implements either–

(i) Commission Decision 92/353/EC (laying down the criteria for approval or recognition of organisations and associations which maintain or establish stud-books for registered equidae(**4**)); or

(ii) Commission Decision 2000/68/EC (amending Commission Decision 93/623/EEC and establishing the identification of equidae for breeding and production(**5**)); and

(c) international associations or organisations which manage or regulate horses for competition or racing and which are registered with the Scottish Ministers under regulation 4.

Commencement Information

I3 Reg. 3 in force at 16.5.2005, see **reg. 1(1)**

International associations or organisations

4.—(1) Any international association or organisation which intends to manage or regulate horses for competition or racing in Scotland shall register with the Scottish Ministers under these Regulations before it does so.

(2) Any international association or organisation which manages or regulates horses for competition or racing in Scotland and which immediately prior to the date of these Regulations

(**3**) S.I.1992/3045.
(**4**) O.J. No. L 192, 11.7.92, p. 63.
(**5**) O.J. No. L 23, 28.1.00, p.72.

coming into force was registered under article 4 of the Horse Passports Order 1997(**6**) shall be deemed to be registered for the purposes of paragraph (1).

(3) Any international association or organisation registered under an equivalent statutory provision in force in any part of the United Kingdom other than Scotland immediately prior to the date of these Regulations shall be deemed to be registered with the Scottish Ministers in terms of paragraph (1).

(4) The Scottish Ministers may refuse to register any international association or organisation which seeks registration under paragraph (1), or may withdraw registration from an international association or organisation registered or deemed to be registered under paragraph (2) or (3), and if the Scottish Ministers so refuse or withdraw registration the refusal or withdrawal, and the reasons for it, shall be given in writing.

Commencement Information
I4 Reg. 4 in force at 16.5.2005, see **reg. 1(1)**

Powers and duties of passport-issuing organisation

5.—(1) The passport-issuing organisation is "the competent authority" for the purposes of the passport.

(2) A passport-issuing organisation may cancel a passport issued by it if it is satisfied on reasonable grounds that–

(a) the provisions of these Regulations have not been or are not being complied with; or

(b) the owner has left the passport incomplete or it has been falsified in any way.

(3) When a passport is returned because a horse has died, the passport issuing organisation shall mark the passport accordingly but may then return it to the owner if permitted by its rules.

Commencement Information
I5 Reg. 5 in force at 16.5.2005, see **reg. 1(1)**

Records

6.—(1) A passport-issuing organisation shall maintain records of–

(a) information contained in applications for passports and for Section IX pages;

(b) any change of ownership of a horse; and

(c) the death of a horse.

(2) It shall keep these records until three years after the death of the horse.

(3) A passport-issuing organisation shall supply to the Scottish Ministers information from its records in such form and at such intervals as they may require by notice in writing.

Commencement Information
I6 Reg. 6 in force at 16.5.2005, see **reg. 1(1)**

(**6**) S.I. 1997/2789.

Application for a passport

7.—(1) An application for a passport shall–

(a) be made by the owner of the horse;

(b) be made in writing to a passport-issuing organisation; and

(c) be in the format specified by that organisation.

(2) No person shall apply for more than one passport for a horse except–

(a) for a replacement passport in terms of regulation 16; or

(b) for another passport in terms of regulation 22.

Commencement Information

I7 Reg. 7 in force at 16.5.2005, see **reg. 1(1)**

Time limits for obtaining a passport

8.—(1) The owner of a horse which was born before 16th May 2005 who does not already have a passport for that horse shall apply for a passport for it before 16th June 2005.

(2) The owner of a horse born on or after 16th May 2005 shall obtain a passport for it on or before 31st December of the year of its birth, or by six months after its birth, whichever is the later.

Commencement Information

I8 Reg. 8 in force at 16.5.2005, see **reg. 1(1)**

Issue of a passport

9.—(1) On an application for a passport, and provided all its requirements are complied with, the passport-issuing organisation shall issue a passport.

(2) A passport issued in terms of paragraph (1) shall be completed, to such extent as may be required by these Regulations, in the format set out in Schedule 2.

(3) In the case of a horse either registered or eligible for entry in a stud-book of a registered organisation in accordance with Article 2(c) of Council Directive 90/426/EEC (on animal health conditions governing the movement and import from third countries of equidae(**7**)), the passport shall contain all the Sections specified in Part II of Schedule 1.

(4) In any other case the passport shall contain at least Sections I to IV and IX but may contain more Sections or all the Sections specified in Part II of Schedule 1.

Commencement Information

I9 Reg. 9 in force at 16.5.2005, see **reg. 1(1)**

Section IX pages for existing passports

10.—(1) In the case of a horse born before 16th May 2005 which already has an identification document issued by a passport-issuing organisation containing all the information required by

(**7**) O.J. No. L 224, 18.9.90. p.42.

regulation 9(3) or 9(4) except for the Section IX pages, a passport may consist of that identification document together with the Section IX pages obtained by the owner from a passport-issuing organisation, provided that the owner–

(a) applies for those Section IX pages before 16th June 2005; and

(b) attaches them to the identification document.

(2) Regulation 7 applies to an application for Section IX pages as it applies to an application for a passport.

(3) The Section IX pages issued by a passport-issuing organisation shall contain the same number or alphanumeric code as in Section II of the original identification document.

Commencement Information

I10 Reg. 10 in force at 16.5.2005, see **reg. 1(1)**

Identification

11.—(1) The passport-issuing organisation when issuing a passport shall identify the horse with a number or alphanumeric code not previously used by that organisation.

(2) It shall record the number or alphanumeric code in Section II of the passport.

Commencement Information

I11 Reg. 11 in force at 16.5.2005, see **reg. 1(1)**

Language of passports

12.—(1) All passports issued in Scotland shall be in English and French, except that Section IX may be in English only.

(2) A passport or any part of it may notwithstanding the requirements of paragraph (1) incorporate a translation into such other language or languages as the organisation or association thinks fit.

Commencement Information

I12 Reg. 12 in force at 16.5.2005, see **reg. 1(1)**

Horses entering Scotland

13.—(1) The owner (or, in the case of an owner living outside Scotland, the keeper) of a horse brought into Scotland without a passport (or with a document which would be a passport but for the fact that it does not contain Section IX pages) shall apply for a passport or Section IX pages within 30 days of the horse being brought into Scotland.

(2) A horse brought into Scotland in terms of paragraph (1) must remain on the premises within Scotland onto which it has been brought until a passport has been issued for it.

(3) This regulation shall not apply in relation to a horse which remains in Scotland for less than 30 days.