WELSH STATUTORY INSTRUMENTS

2005 No. 231 (W.21)

ANIMALS, WALES
ANIMAL HEALTH

The Horse Passports (Wales) Regulations 2005

Made - - - -	*8 February 2005*
Coming into force - -	*9 February 2005*

The National Assembly for Wales, being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by that section, makes the following Regulations:

Title, application and commencement

1.—(1) These Regulations may be cited as the Horse Passports (Wales) Regulations 2005.

(2) These Regulations apply in relation to Wales and come into force on 9 February 2005.

Interpretation

2. In these Regulations—

"horse" ("*ceffyl*") means an animal of the equine or asinine species or crossbreeds of those species, but does not include zebras;

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

"local authority" ("*awdurdod lleol*") means the council of a county or county borough;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"passport" ("*pasbort*") means—

(a) an identification document for a horse issued by a passport-issuing organisation containing all the information required by regulation 8(2) or 8(3); or

(**1**) S.I.1999/2788.
(**2**) 1972 c. 68.

(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 9,

and "Section IX pages" means those pages;

"passport-issuing organisation" ("*corff sy'n dyroddi pasbortau*") has the meaning assigned in regulation 3;

"sell" ("*gwerthu*") includes any transfer of ownership.d

Organisations authorised to issue passports

3.—(1) The following organisations (referred to in these Regulations as "passport-issuing organisations") are authorised to issue passports —

(a) organisations authorised in writing by the National Assembly under these Regulations to issue passports;

(b) organisations that maintain or establish stud-books for registered horses and are recognised by the National Assembly under regulation 3 of the Horses (Zootechnical Standards) Regulations 1992(**3**) or by any other authority in the United Kingdom competent to recognise such organisations in accordance with Council Directive 90/427/EEC of 26 June 1990 on the zootechnical conditions governing intra-Community trade in equidance(**4**);

(c) organisations recognised in another part of the United Kingdom or another Member State under legislation that implements either —

(i) Commission Decision 92/353/EEC (laying down the criteria for approval or recognition of organisations and associations which maintain or establish stud books for registered equidae(**5**)); or

(ii) Commission Decision 2000/68/EC (amending Commission Decision 93/623/EEC and establishing the identification of equidae for breeding and production(**6**))); and

(d) international associations or organisations that manage or regulate horses for competition or racing and are registered with the National Assembly to issue passports or registered under equivalent statutory provisions in force in any other part of the United Kingdom.

(2) The National Assembly may by notice in writing withdraw authorisation under paragraph (1)(a) or registration under paragraph (1)(d) if it is satisfied on reasonable grounds that an association or organisation is not complying with the provisions of these Regulations.

(3) No person shall issue a document which falsely purports to be a passport.

Powers and duties of passport-issuing organisations

4.—(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 passport has not been properly completed or has been falsified in any way.

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

(**3**) S. I. 1992/3045.
(**4**) OJ No. L224, 18.8.1990, p. 55—59.
(**5**) OJ No. L 192, 11.7.92, p. 63.
(**6**) OJ No. L23, 28.1.2000, p. 72.

Records

5.—(1) A passport-issuing organisation must maintain a record of —

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

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

(c) the death of a horse.

(2) It must keep this record until three years after the death of the horse.

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

Application for a passport

6.—(1) An application for a passport must —

(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 may apply for more than one passport (other than a replacement passport) for a horse.

Time limits for obtaining a passport

7.—(1) The owner of a horse that was born on or before 30 November 2004 who does not already have a passport for that horse must apply for a passport for it before 14 February 2005, or by six months after its birth, whichever is the later.

(2) The owner of a horse that was born after 30 November 2004 must obtain a passport for it on or before 31 December of the year of its birth, or by six months after its birth, whichever is the later.

Issue of a passport

8.—(1) On application, provided all its requirements are complied with, the passport-issuing organisation must issue a passport duly completed in the format set out in the Schedule.

(2) In the case of a horse either registered or eligible for entry in a studbook of a recognised 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 must contain all the Sections specified in the Schedule.

(3) In any other case the passport must contain at least Sections I to IV and IX but may contain more Sections or all the Sections.

Section IX pages for existing passports

9.—(1) In the case of a horse born before these Regulations come into force that already has an identification document issued by a passport-issuing organisation containing all the information required by regulation 8(2) or 8(3) 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 applicant —

(a) applies for them before 14 February 2005, and

(b) attaches them to the identification document.

(**7**) OJ No. L224, 18.9.90, p. 42.

(2) Regulation 6 applies to an application for Section IX pages as it applies to an application for a passport.

(3) The Section IX pages must contain the same number or alphanumeric code as in Section II of the original identification document.

Identification

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

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

Language of passports

11.—(1) Sections I to VIII of passports issued in Wales must be in English and French.

(2) Section IX must be in English.

(3) A passport or any part of it may also be in an additional language.

Horses entering Wales

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

(2) A passport or Section IX pages issued following an application made under paragraph (1) must state that the horse is not intended for slaughter for human consumption.

(3) This regulation will not apply in relation to a horse that remains in Wales for less than 30 days.

Declaration concerning slaughter for human consumption

13.—(1) The owner of a horse or the owner's representative, on receipt of a passport or Section IX pages must sign the declaration in Section IX, Part II or III-A, as to whether or not the horse is intended for slaughter for human consumption.

(2) When the horse is sold, the declaration must be signed by each subsequent owner or the owner's representative.

(3) If the declaration referred to in paragraph (1) is that the horse is not intended for slaughter for human consumption, that declaration cannot be changed.

Prohibitions

14.—(1) No person may —

(a) destroy or deface a passport;

(b) alter any entry made in Section I of the passport;

(c) alter any of the details in Section II or III of the passport unless authorised in writing to do so by a passport-issuing organisation;

(d) make an entry in Section IV of the passport except in accordance with the rules and regulations of a passport-issuing organisation, and no person may alter any entry; or

(e) alter any details in Section V, VI, VII, VIII or IX of the passport; or

(f) change a declaration in Section IX that a horse is not intended for slaughter for human consumption (but if the declaration shows that the horse is intended for slaughter for

human consumption, an owner may subsequently declare that the horse is not intended for slaughter for human consumption, in which case the horse will not be intended for slaughter for human consumption).

(2) No person may be in possession of a document which falsely purports to be a passport.

(3) In proceedings against a person for an offence of failing to comply with paragraph (2) it is a defence for that person to prove that he or she was not aware that the document was not a passport.

Replacement of a lost or damaged passport

15.—(1) Where a passport has been lost or damaged the owner of the horse must, within 30 days of the loss or damage being discovered, apply for a replacement passport for that horse —

(a) where the passport-issuing organisation of issue is known to the owner, to that organisation; or

(b) where the passport-issuing organisation of issue is not known, to any passport-issuing organisation.

(2) The passport-issuing organisation applied to in accordance with paragraph (1) must issue a replacement passport marked with the word "Duplicate".

(3) If all the original information in the Section IX is legible the replacement passport must repeat that information.

(4) If any information in Section IX is illegible the passport issuing organisation must indicate in the replacement passport that the horse is not intended for slaughter for human consumption by completing Part II of that Section.

Restrictions on the use of horses without passports

16. If a passport should have been issued for a horse, after 28 February 2005 no person may —

(a) use the horse for the purposes of competition or breeding;

(b) move the horse out of the United Kingdom; or

(c) move the horse on to the premises of a new keeper,

unless the horse is accompanied by its passport.

Requirements on persons administering veterinary medicinal products

17.—(1) Where a veterinary medicinal product is to be administered to a horse, the person in possession of its passport must make it available to the veterinary surgeon or other person administering the product.

(2) The veterinary surgeon or other person administering the veterinary medicinal product must —

(a) satisfy himself or herself that the horse is the one described in the passport;

(b) if the passport contains Sections V and VI, record in the appropriate section any vaccine given, and if it contains Section VII, record the results of any laboratory health tests carried out for transmissible diseases; and

(c) if the passport shows that the horse is intended for slaughter for human consumption, complete Part III—B of Section IX of the passport if the product administered contains