STATUTORY RULES OF NORTHERN IRELAND

2019 No. 67

EUROPEAN COMMUNITIES

ANIMALS

The Equine Identification Regulations (Northern Ireland) 2019

Made - - - -	*27th March 2019*
Coming into operation	*29th March 2019*

The Department of Agriculture, Environment and Rural Affairs(**1**) is designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) ("the 1972 Act") in relation to the common agricultural policy of the European Union.

The Department makes the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to the 1972 Act(**4**).

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as The Equine Identification Regulations (Northern Ireland) 2019 and, shall come into operation on 29th March 2019.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to this Order as it applies to an Act of the Assembly.

(2) In these Regulations—

(**1**) Formerly the Department of Agriculture and Rural Development (DARD) *see* Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1). DARD was renamed the Department of Agriculture, Environment and Rural Affairs by section 1(2) of the Department Act (Northern Ireland) 2016 (c.5 (N.I.).

(**2**) S.I 2000/2812.

(**3**) 1972 c.68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) (the 2006 Act) and by section 3 of, and the Schedule to, the European Union (Amendment) Act 2008 (c.7) (the 2008 Act).

(**4**) Paragraph 1A Schedule 2 to the 1972 Act was inserted by section 28 of the 2006 Act and amended by section 3 of, and the Schedule to, the 2008 Act and by S.I. 2007/1388.

"authorised officer" means any person authorised by the Department to enforce these Regulations;

"Commission Implementing Regulation" means Commission Implementing Regulation (EU) No. 2015/262(**5**) (laying down rules pursuant to Council Directives 90/427/EEC(**6**) and 2009/156/EC(**7**) as regards the methods for the identification of equidae (Equine Passport Regulation)) as amended from time to time;

"the Department" means the Department of Agriculture, Environment and Rural Affairs;

"horse" means wild or domesticated solipeds within the genus Equus of the family Equidae, and their crosses;

"issuing body" means an issuing body in accordance with the Commission Implementing Regulation;

"passport" means an identification document for the identification of a horse in accordance with the Commission Implementing Regulation;

"veterinary surgeon" means a person registered as such under the Veterinary Surgeons Act 1966(**8**).

(3) Any reference in these Regulations to a numbered Article is a reference to the Article so numbered in the Commission Implementing Regulation.

(4) Expressions used both in these Regulations and in the Commission Implementing Regulation shall have the same meaning in these Regulations as they have in the Commission Implementing Regulation.

PART 2

Administrative and procedural provisions and requirements

Competent Authority for the Commission Implementing Regulation

3. The Department is the competent authority for the purposes of the Commission Implementing Regulation.

Identification of horses

4. A person must not keep a horse unless it is identified in accordance with the Commission Implementing Regulation and these Regulations.

Transfer of ownership of horses

5.—(1) A person who transfers the ownership of a horse to another person (the "transferee") must give its passport to the transferee at the time of the transfer.

(2) Before the end of the period of 30 days beginning with the day on which the transfer took effect, the transferee must —

(a) notify the issuing body of —

(**5**) OJNo. L59, 3.3.2015, p.1
(**6**) OJ No. L224 18.8.1990, p.55. The directive was amended by Council Directive 2008/73/EC of 15 July 2008 (OJ No. L219, 14.8.2008, p.40)
(**7**) OJ No. L192, 23.7.2010, p.1. The directive was amended by Council Directive 2013/20/EU of 13 May 2013 (OJ No. L158, 10.6.2013, p234 and by Commission Implementing Decision (EU) 2016/1840 of 14 October 2016 (OJ No. L280, 18.10.2016, p.33)
(**8**) 1966 c.36

(i) the transfer of ownership; and

(ii) the transferee's name, address and contact details; and

(b) send the passport for the horse concerned to the issuing body.

Application for passports

6.—(1) In accordance with Article 3(3) and Article 11(1) it is the responsibility of the owner of a horse located in a holding in Northern Ireland to ensure that an application for a passport is submitted to an issuing body on or before the date set out in paragraph (2).

(2) The date is the last day of the period of 6 months beginning with the day on which the horse was born.

Provision of information to an issuing body

7. The keeper must provide to the issuing body all information necessary to allow the body to complete an existing passport for the purposes of Article 15(2), subject to Article 15(3), so that it complies with the requirements of Article 7(2).

Transponders

8.—(1) The minimum qualification for the purposes of Article 18(3) (implantation of a transponder) is membership of the Royal College of Veterinary Surgeons.

(2) For the purposes of Article 18(5), the owner of a horse or, if different, the keeper who has primary responsibility for it, must arrange for a veterinary surgeon to implant a transponder into a horse that is deemed to be identified in accordance with Articles 4(2) or 43(1) if a previously implanted and recorded transponder ceases to function.

(3) A veterinary surgeon who implants a transponder into a horse must ensure that it displays a code unique to that transponder.

Detecting previous active markings of horses

9. A veterinary surgeon who is implanting a transponder into a horse must carry out the measures set out in Article 17(1) (measures to detect previous identification of equidae).

Accompanying documentation

10. The owner of a horse or, if different, the keeper who has primary responsibility for it must comply with Article 23(1) to ensure that a horse's passport accompanies the horse at all times except —

(a) when not required in accordance with Article 23(2); or

(b) when the horse is accompanied by a smart card issued in accordance with Article 25(1); or

(c) when the horse is accompanied by a temporary document issued in accordance with Article 24(1).

Modification of identity details in passports

11. If the owner believes that any identity details contained in the horse's passport require modification or updating, whether pursuant to Article 27 or otherwise, the owner must ask the issuing body to modify or update the passport.

Slaughter or death of a horse

12. On the slaughter or death of a horse an official veterinarian or a person acting under the supervision of an official veterinarian, in accordance with Article 34(1)(c)(ii), must return an invalidated passport to the issuing body as soon as is reasonably practicable.

Databases

13.—(1) For the purposes of Article 40(1), an issuing body must incorporate the information falling within Articles 28(e) and 38(1) into the central database.

(2) The Department may issue guidance to issuing bodies about the central database and how to enter information into it.

(3) The Department may share any data or information held or stored in, or which is to be held or stored in, the central database with the Secretary of State in England, the Scottish Ministers, or the Welsh Ministers.

(4) In this regulation "central database" means the database established in accordance with Article 39.

PART 3

Enforcement

General

14.—(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 in Part 2 or in the Commission Implementing 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 in Part 2 or in the Commission Implementing 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 Part 2 or in the Commission Implementing Regulation.

(4) Subject to paragraph (5), 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 Part 2 or in the Commission Implementing Regulation.

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

Powers of entry

15.—(1) An authorised officer may, on producing a duly authenticated authorisation document, at all reasonable hours, enter any premises (excluding premises not containing any horse and used only as a dwelling) for the purpose of administering and enforcing these Regulations; and in this regulation premises includes any vehicle or container.

(2) An authorised officer may—

(a) require the production of a passport and mark it is necessary;

(b) carry out any inquiries;