STATUTORY RULES OF NORTHERN IRELAND

2010 No. 40

EUROPEAN COMMUNITIES

ANIMALS

The Horse Passports Regulations (Northern Ireland) 2010

Made - - - -	*19th February 2010*
Coming into operation	*31st March 2010*

The Department of Agriculture and Rural Development(**1**) is designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**), in relation to the common agricultural policy of the European Community. The Department makes the following Regulations in exercise of the powers conferred by that section.

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as The Horse Passports Regulations (Northern Ireland) 2010 and shall come into operation on 31st March 2010.

Interpretation

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

(2) In these Regulations — "Commission Regulation (EC) No. 504/2008" means Commission Regulation (EC) No. 504/2008 (implementing Council Directives 90/426/EEC and 90/427/EEC as regards methods for the identification of Equidae)(**4**).

"the Department" means the Department of Agriculture and Rural Development.

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

(**1**) Formerly the Department of Agriculture for Northern Ireland, *see* Article 3(4) of S.I. 1999/283 (N. I. 1)
(**2**) S.I. 2000/2812
(**3**) 1972 c. 68
(**4**) OJ No. L149, 7.6.2008, p.3

"passport" means the identification document for the identification of a horse in accordance with Commission Regulation (EC) No. 504/2008.

"passport issuing organisation" means an issuing body in accordance with Commission Regulation (EC) No. 504/2008.

"veterinary surgeon" means a person registered under The Veterinary Surgeons Act 1966.

(3) Any reference in these Regulations to an Article is a reference to an Article of Commission Regulation (EC) No. 504/2008.

(4) Expressions used both in these Regulations and in Commission Regulation (EC) No. 504/2008 shall have the same meaning in these Regulations as they have in Commission Regulation (EC) No. 504/2008.

PART 2

Enforcement of Commission Regulation (EC) No. 504/2008

Competent Authority for Commission Regulation (EC) No. 504/2008

3. The Department is the competent authority for the purposes of Commission Regulation (EC) No. 504/2008 and acts as the Member State for the purposes of that Regulation.

Sale of horses

4.—(1) An owner who sells a horse must give its passport to the buyer at the time of the sale.

(2) The buyer must return the passport to the passport issuing organisation together with the buyer's name and address, within 30 days of the sale.

(3) In this regulation "sell" includes any transfer of ownership.

(4) Failure to comply with this regulation is an offence.

Passports

5.—(1) The owner of a horse and, if different, the keeper who has primary responsibility for it who does not comply with Article 3(1) is guilty of an offence.

(2) In accordance with Article 5(5) it is the responsibility of the owner of a horse to apply for a passport within the time limits set out in Article 5, and failure to do so is an offence.

(3) If an application for a passport is received outside the time limits, the passport issuing organisation must stamp the passport that the horse is not intended for slaughter for human consumption.

Duplicate and replacement passports

6. Any person who knowingly provides information which is false or misleading for the purposes of obtaining a duplicate or replacement passport is guilty of an offence.

Importation

7. The owner of a horse who—

(a) fails to comply with Article 8(1) (identification of imported horses), or

(b) fails to request a passport issuing organisation within 30 days of the date of importation to act in accordance with Article 8(2) (provision of additional information),

is guilty of an offence.

Transponders

8.—(1) A passport issuing organisation that fails to comply with Article 11(1) (implantation of a transponder) is guilty of an offence.

(2) The minimum qualification for the purposes of Article 11 (implantation of a transponder) is membership of the Royal College of Veterinary Surgeons.

Detecting previous active marking of horses

9. A veterinary surgeon who is implanting a transponder into a horse and who fails to carry out the procedures set out in Article 10(1) (measures to detect previous active marking) is guilty of an offence.

Accompanying documentation

10.—(1) The owner of a horse or, if different, the keeper who has primary responsibility for it who does not comply with—

(a) Article 13(1) (movement and transport),

(b) Article 14(1) (smart cards), or

(c) Article 14 (3) (temporary documents),

is guilty of an offence.

(2) A smart card must be in a format which complies with Annex II of Commission Regulation (EC) No. 504/2008 and which is approved by the Department.

Movement to slaughter

11. The owner, or if different, the keeper who has primary responsibility for a horse, who does not comply with Article 15(1) (movement to slaughter) is guilty of an offence.

Issue of duplicate and replacement passports

12.—(1) A passport issuing organisation that fails to mark a passport as a duplicate, or classify the horse as being not intended for slaughter for human consumption, in accordance with Article 16(1) is guilty of an offence.

(2) The derogation in Article 16(2) may not be exercised.

(3) A passport issuing organisation that issues a replacement passport other than in accordance with Article 17 (issuing replacement documents) is guilty of an offence.

Procedure on death

13.—(1) When a horse is killed for disease control purposes, in accordance with Article 19(2)(a)(i) the owner or keeper who has primary responsibility for it must return the passport to the passport issuing organisation as soon as is reasonably practicable and inform the Department's veterinary surgeon that he or she has done so.

(2) When a horse is slaughtered for human consumption, in accordance with Article 19(2)(a)(ii)—

(a) the official veterinarian must record the identification number of the horse and mark the passport accordingly, and