STATUTORY RULES OF NORTHERN IRELAND

2004 No. 497

EUROPEAN COMMUNITIES
ANIMALS

Horse Passports Regulations (Northern Ireland) 2004

Made - - - - *2nd December 2004*

Coming into operation *10th January 2005*

The Department of Agriculture and Rural Development(**1**) being designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**), in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Horse Passports Regulations (Northern Ireland) 2004 and shall come into operation on 10th January 2005.

Interpretation

2.—(1) In these Regulations –

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

"horse" means an animal of the equine or asinine species or crossbreeds of those species but does not include zebras;

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

"passport" means –

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

(b) in the case of such an identification document issued before the coming into operation of these Regulations but which does not contain the pages in Section IX of the passport, that document to which the Section IX pages have been attached in accordance with regulation 9

and "Section IX pages" means those pages;

(**1**) Formerly the Department of Agriculture for Northern Ireland, *see* Article 3(4) of S.I.1999/283 (N.I. 1)
(**2**) S.I. 1972/1811
(**3**) 1972 c. 68

"passport-issuing organisation" has the meaning assigned under regulation 3;

"Regulation (EEC) No. 2377/90" means Council Regulation No. 2377/90/EEC of 26th June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary products in foodstuffs of animal origin(**4**);

"sell" includes any transfer of ownership;

"studbook" means any book, register, file or data medium –

(a) which is maintained by a recognised organisation, and

(b) in which horses of a given breed are entered or registered with mention of their ancestors.

(2) Any reference in these Regulations to a horse being registered with a recognised organisation shall be construed as the entry or registration of that horse in the studbook of that organisation.

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

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) an organisation authorised in writing by the Department under these Regulations to issue passports;

(b) an organisation recognised by the Department under the Horses (Zootechnical Standards) Regulations (Northern Ireland) 1992(**6**); or

(c) an organisation recognised in another part of the United Kingdom or another Member State either under Commission Decision 92/353/EEC (laying down the criteria for approval or recognition of organisations and associations which maintain or establish studbooks for registered equidae)(**7**) or Commission Decision 2000/68/EC (amending Commission Decision 93/623/EEC and establishing the identification of equidae for breeding and production)(**8**); or

(d) an international association or organisation which manages horses for competition or racing and which –

(i) is registered as such with the Department at the date of coming into operation of these Regulations; or

(ii) is registered under an equivalent statutory provision in any other part of the United Kingdom; or

(iii) registers with the Department under this regulation.

(2) Any international association or organisation which manages horses for competition or racing in Northern Ireland and which is not already registered or recognised shall register as such with the Department.

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

(4) A person shall not issue a document which falsely purports to be a passport.

(**4**) O.J. No. L224, 18.8.1990, p. 1
(**5**) 1954 c. 33 (N.I.)
(**6**) S.R. 1992 No. 539
(**7**) O.J. No. L192, 11.7.92, p. 63
(**8**) O.J. No. L23, 28.1.2000, p. 72

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 under these Regulations 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) A passport-issuing organisation may at any reasonable time require any person in possession of a passport issued by it to produce it and surrender it.

Records

5.—(1) A passport-issuing organisation in Northern Ireland shall 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) notification of the death of a horse

and shall keep this record until three years after it has received notification of the death of the horse.

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

Application for a passport

6.—(1) An application for a passport shall be made –

(a) by the owner of the horse;

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

(c) in the format specified by that organisation.

(2) A person shall not apply for more than one passport for any horse other than a replacement passport.

Time limits for obtaining a passport

7.—(1) The owner of a horse which was born on or before the date on which these Regulations came into operation who does not already have a passport for that horse shall obtain a passport for it before 28th February 2005.

(2) The owner of a horse born after the date on which these Regulations came into operation 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.

Issue of a passport

8.—(1) On application, and provided all its requirements are complied with, the passport-issuing organisation shall issue to the owner 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(**9**) on animal health conditions governing the movement and import from third countries of equidae, the passport shall contain all of its Sections.

(**9**) O.J. No. L224, 18.8.1990, p. 42

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

Section IX pages for existing passports

9.—(1) In the case of a horse born before these Regulations come into operation which 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) obtains them before 28th February 2005, and

(b) attaches them to the identification document.

(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 shall contain the same number or alphanumeric code as in Section II of the original identification document.

Multiple registration and cancellation of registration

10.—(1) Where the owner of a horse –

(a) which is registered with a passport-issuing organisation; and

(b) in respect of which a passport has been issued,

wishes to register that horse with another passport-issuing organisation, he shall send that passport to the other passport-issuing organisation and, upon receipt thereof, the other organisation shall, if it registers the horse with it, endorse the fact thereon.

(2) Where the owner of a horse –

(a) which is registered with one or more passport-issuing organisations; and

(b) in respect of which a passport has been issued,

wishes to cancel the registration of that horse with a passport-issuing organisation, he shall send the passport for that horse to that organisation and that organisation shall, upon receipt thereof, endorse on the passport the fact that the registration of that horse with that organisation has been cancelled and return the passport to the owner of the horse.

(3) Where a passport-issuing organisation issues a passport to the owner of a horse, that owner shall within 30 days of receipt of that passport send it to any other passport-issuing organisation with which that horse is registered and upon receipt of that passport that other organisation shall endorse on it the fact that the horse is registered with that organisation.

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 that number or alphanumeric code in Sections II and IX of the passport.

Language of passports

12.—(1) Sections I to VIII of passports issued in Northern Ireland shall be in English and French.

(2) Section IX shall be in English.

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

Horses entering Northern Ireland

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

(2) On receipt of an application under paragraph (1) which complies with the requirements of the passport-issuing organisation, that organisation shall issue a passport or Section IX pages, as appropriate.

(3) A passport or Section IX pages issued under paragraph (2) shall state that the horse is not intended for slaughter for human consumption.

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

Declaration concerning slaughter for human consumption

14.—(1) Subject to the following provisions of this regulation, an owner may at any time sign the declaration in Section IX concerning whether or not the animal is intended for slaughter for human consumption, or may choose not to sign it.

(2) An owner must sign the declaration before any veterinary medicinal product containing a substance specified in Annex IV to Council Regulation (EEC) No. 2377/90 is administered to a horse and must indicate that the horse is not intended for slaughter for human consumption (unless the declaration has already been so signed).

(3) An owner must sign the declaration before the horse is consigned for slaughter for human consumption (in which case the declaration must state that the horse is intended for slaughter for human consumption).

(4) An owner must sign the declaration and ensure that is is contersigned by a passport-issuing organisation or the Department before the horse is sent outside Northern Ireland.

Prohibitions

15.—(1) A person shall not –

(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 the passport-issuing organisation which issued it;

(d) make an entry in Section IV of the passport except in accordance with the rules and regulations of a passport-issuing organisation, and a person shall not alter any entry;

(e) alter any details in Sections V – IX of the passport;

(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 shall not be slaughtered for human consumption).

(2) A person shall not have 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 him to prove that he was not aware that the document was not a passport.