

Statutory Instrument 2003 No. 2780

The Horse Passports (England) Regulations 2003

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STATUTORY INSTRUMENTS

2003 No. 2780

ANIMALS, ENGLAND

The Horse Passports (England) Regulations 2003

<i>Made</i>	<i>4th November 2003</i>
<i>Laid before Parliament</i>	<i>4th November 2003</i>
<i>Coming into force</i>	<i>30th November 2003</i>

The Secretary of State for Environment, Food and Rural Affairs, 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 her by that section hereby makes the following Regulations:

Title, commencement and application

1. These Regulations, which shall apply in England, may be cited as the Horse Passports (England) Regulations 2003 and shall come into force on 30th November 2003.

Interpretation

2. - (1) In these Regulations -

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

"keeper" means a person who is not the owner of a horse but is appointed by the owner to have day to day charge of that horse;

"passport" means an identification document which has been issued for a horse by a recognised organisation and which is completed appropriately and is in conformity with the provisions of the Schedule to these Regulations;

"recognised organisation" means an organisation -

(a) recognised by the Secretary of State for Environment, Food and Rural Affairs under Regulation 3 of the Horses (Zootechnical Standards) Regulations 1992^[3] or

(b) recognised by any other authority in the United Kingdom competent to recognise such organisation; or

(c) recognised by any other authority in another Member State competent to recognise such organisations; or

(d) an international association or organisation registered under regulation 3 or registered under equivalent statutory provision in any other part of the United Kingdom; or

(e) *Fédération Equestre Internationale*;

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

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

(b) in which particulars of horses are entered or registered with mention of all their known ascendants.

(2) For the purposes of the passport "the competent authority" is the recognised organisation as defined in paragraph (1) above.

Horses for competition or racing

3. - (1) Any international association or organisation which manages horses for competition or racing in England and at the date of the coming into force of these Regulations is registered with the Secretary of State for Environment, Food and Rural Affairs under Article 4 of the Horse Passports Order 1997^[4],

shall continue to be registered for the purposes of these Regulations.

(2) Any international association or organisation not operating in England at the date of the coming into force of these Regulations but which intends to manage horses for competition or racing in England shall register with the Secretary of State for Environment, Food and Rural Affairs before it does so.

(3) Any international association or organisation registered under an equivalent statutory provision to these Regulations in force in any other part of the United Kingdom shall be exempt from the requirement in paragraph (2) to register with the Secretary of State.

Issue of a passport for horses registered before 30th November 2003

4. - (1) The owner of a horse, with the exception of the owner of a horse as referred to in regulations 6, 7 and 8, whose horse was, prior to 30th November 2003, either registered or eligible for entry in a studbook of a recognised organisation and which does not have a passport issued by a recognised organisation, shall on or before 30th June 2004 -

(a) obtain from a recognised organisation a passport for that horse which is in conformity with the provisions of the Schedule; and

(b) where they have already been issued with a passport by a recognised organisation which is not in conformity with the Schedule, ensure that they obtain the appropriate extra pages from the recognised organisation.

(2) On application in accordance with regulation 4(1)(a) or 4(1)(b) and on compliance by the owner with any requirements of the recognised organisation, the recognised organisation shall issue to the owner a passport or appropriate extra pages, as the case may be, in conformity with the provisions of the Schedule.

Issue of a passport for horses not registered before 30th November 2003

5. - (1) The owner of a horse not registered prior to 30th November 2003, with the exception of the owner of a horse referred to in regulations 6, 7 and 8, shall on or before 30th June 2004, obtain from a recognised organisation a passport for that horse.

(2) On application in accordance with paragraph (1) and on compliance by the owner with the requirements of the recognised organisation, the recognised organisation shall issue to the owner a passport in conformity with at least sections I, II, III, IV and IX of the Schedule.

Horses entering England

6. - (1) The owner of a horse entering England without a passport issued by a recognised organisation shall, within 30 days of so entering, apply to a recognised organisation for a passport in conformity with the provisions of the Schedule.

(2) A passport issued under paragraph (1) shall state that the horse is not intended for human consumption.

Horses entered in the lists of the New Forest Verderers, or Dartmoor Commoners Council

7. - (1) Where a horse is entered in the lists kept by the New Forest Verderers, or Dartmoor Commoners Council, a passport shall only be required

when the horse is moved from the area in which its owner has grazing rights for equines granted by those bodies.

(2) An owner who has been granted grazing rights for equines in the New Forest or Dartmoor shall -

(a) ensure that all such equines are individually identified and entered in the lists kept by the New Forest Verderers or the Dartmoor Commoners Council; or

(b) shall obtain a passport from a recognised organisation.

Passports for young horses

8. A horse is required to have a passport -

(a) by 31st December of the year of its birth; or

(b) by six months after its birth, whichever is the longer; or

(c) if, before then, it leaves the premises on which its dam is normally kept for a continuous period of two weeks or more.

Requirements of owners and keepers of horses as to declaration on human consumption

9. - (1) The owner or keeper of a horse, on receipt of a passport or appropriate extra pages issued by a recognised organisation, shall sign the declaration in section IX, Part II or III-A, as to whether or not the horse is intended for human consumption.

(2) If the declaration referred to in paragraph (1) above is signed by the owner or keeper of a horse confirming that the horse is not intended for human consumption, then that declaration cannot be changed by any subsequent owner or keeper.

(3) Subject to regulation 9(2) if the declaration in Part II has been made, it shall be reconfirmed on each subsequent change of ownership of the horse by the signature of the new owner.

Whereabouts of passports

10. - (1) The owner of a horse shall ensure that the passport is held by the keeper of the horse.

(2) If the keeper changes, the previous keeper shall give the passport to the new keeper.

(3) The owner or keeper of a horse shall ensure that the horse is accompanied by its passport when it is moved -

(a) into or out of Great Britain;

(b) to other premises for competition purposes;

(c) to other premises to receive veterinary treatment;

- (d) to the premises of a new keeper;
- (e) to a slaughterhouse for slaughter;
- (f) for the purpose of sale; or
- (g) for breeding purposes.

Requirements of Veterinary Surgeons

11. - (1) Where veterinary treatment is to be administered to a horse, the owner or keeper shall show the passport to the veterinary surgeon who is to administer such treatment.

(2) The veterinary surgeon shall -

- (a) satisfy himself that the horse is the one described in the passport;
- (b) record in the passport the treatments administered to the horse as required in sections V and VI of the passport; and
- (c) if the owner or keeper of the horse has signed the declaration contained in section IX, Part III-A of the passport that the horse is intended for human consumption -
 - (i) refrain from administering any of the drugs listed in Annex IV of Council Regulation 2377/90/EEC^[5]; and
 - (ii) enter in section IX, Part III-B of the passport the date of the last treatment administered to the horse with a medicinal product containing substances not included in Annex I, II, III or IV of Council Regulation 2377/90/EEC.

(3) If the veterinary surgeon is not able to satisfy himself as provided in paragraph 2, he shall refrain from administering any of the drugs listed in Annex IV of Council Regulation 2377/90/EEC.

Life Number

12. The recognised organisation when issuing a passport or appropriate extra pages shall -

- (a) identify that horse by a number which has not been used for any other horse;
- (b) record that number in section II and section IX of the passport or appropriate extra pages issued in respect of that horse; and
- (c) provide the number in accordance with any codes which may be issued from time to time by the Secretary of State for Environment, Food and Rural Affairs.

Language of passports

13. All passports and extra pages issued in England shall be in English and

French, but may in addition contain a translation (either of the whole passport or of part of it) into such other language or languages as the recognised organisation thinks fit, except that section IX may be in English only.

Prohibitions

14. No person shall -

- (a) amend sections I to IV of a passport unless he is a person authorised by the recognised organisation which issues it;
- (b) hold more than one passport for any horse at the same time;
- (c) change the name of a horse as stated in its passport unless the passport has previously been amended by the recognised authority to show the new name whilst retaining an indication of the previous name or names;
- (d) retain a passport unless he is the owner or keeper of the horse; or
- (e) apply for a passport for a horse for which a passport has already been issued.

Sale or death of a horse

15. - (1) On the sale of a horse, the seller shall give the passport to the buyer or, at auction sales, the auctioneer shall give the passport to the buyer.

(2) The buyer shall send the details of the new owner to the recognised organisation of issue within 28 days of the purchase of the horse.

(3) If a horse dies in a slaughterhouse, the slaughterhouse shall retain its passport for one year.

(4) If a horse dies in a place other than a slaughterhouse, the owner or keeper shall return the passport to the recognised organisation with an indication of the date and circumstances of death and the recognised organisation shall amend their records accordingly.

Replacement of a lost or damaged passport

16. - (1) Where a passport has been lost or damaged the owner of a horse in respect of which that passport has been issued shall apply for a replacement passport for that horse -

- (a) where the recognised organisation of issue is known to him, to that organisation for a replacement passport for that horse; or
- (b) where the recognised organisation of issue is not known, to any recognised organisation.

(2) The recognised organisation applied to in accordance with paragraph (1) shall issue a replacement passport marked with the word "Duplicate" and including, in the case of a passport which -

- (a) Is lost or is damaged so that the original declaration as to fitness for

human consumption is not legible, a declaration that the horse is not fit for human consumption; or

(b) Is damaged but the original declaration as to fitness for human consumption is still legible, a declaration which is the same as the original.

Time limits for applications

17. Where the owner of a horse makes an application for a passport for that horse outside the time limits provided for in these Regulations, the owner shall be issued with a passport indicating that the horse is not intended for human consumption.

Powers and duties of recognised organisations

18. - (1) A recognised organisation may cancel a passport issued by it under these Regulations if it is satisfied that the provisions of these Regulations have not been or are not being complied with or that the passport has not been properly completed or has been falsified in any way.

(2) A recognised organisation may require any person in possession of a passport which it issued to produce it on reasonable demand and surrender it on demand.

(3) A recognised organisation in England shall -

(a) supply to the Secretary of State information contained in applications for passports and appropriate extra pages and notifications of deaths of horses in such form and in such frequency as she may from time to time require;

(b) require in application forms for passports and appropriate extra pages an indication of the intended declaration as to whether or not the horse is intended for human consumption and sign the passports or appropriate extra pages accordingly;

(c) keep records of such information and of the issue of passports and appropriate extra pages and of deaths of horses notified to it.

Withdrawal of recognition

19. The Secretary of State for Environment, Food and Rural Affairs may withdraw recognition from any recognised organisation or registered organisation that issues a passport which does not comply with the provisions of regulations 4(1), 5(2) and 12 and the Schedule and may withdraw any such passport.

Offences

20. It shall be an offence for any person or organisation to fail to comply with the provisions of these Regulations.

Powers of Entry

21. - (1) An inspector appointed by a local authority or the Secretary of State for Environment, Food and Rural Affairs for the enforcement of these Regulations shall, on producing some duly authenticated document showing his authority, have a right at all reasonable hours, to enter any premises (excluding any 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 inspector so appointed may -

- (a) carry out any inquiries;
- (b) have access to, and inspect and copy any records (in whatever form they are held) kept under these Regulations;
- (c) remove such records to enable them to be copied;
- (d) have access to, inspect and check the operation of any computer and any associated apparatus or material which is or has been in use in connection with the records; and for this purpose may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away;
- (e) mark any animal or other thing for identification purposes; and
- (f) take with him -
 - (i) such other persons as he considers necessary; and
 - (ii) any representative of the European Commission properly interested in the administration of these Regulations.

(3) Any person who defaces, obliterates or removes any mark applied under paragraph (2) shall be guilty of an offence.

(4) If such an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

Obstruction

22. - (1) No person shall -

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the performance of his functions under these Regulations;
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading; or
- (d) fail to produce a record when required to do so to any person acting in the execution of these Regulations.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to

answer any question if to do so might incriminate him.

Penalties

23. - (1) A person guilty of an offence under these Regulations shall be liable -

(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or both; or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or both.

(2) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of -

(a) any director, manager, secretary or other similar person of the body corporate, or

(b) any person who was purporting to act in any such capacity,

he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(3) For the purposes of paragraph (2) above, "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Enforcement

24. - (1) These Regulations shall be enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority under this regulation shall be discharged by the Secretary of State and not by the local authority.

Revocations

25. The Passports Order 1997[[6](#)] and the Passports (Amendment) Order 1998[[7](#)] are hereby revoked insofar as they relate to England.

Alun Michael

Minister of State Department for Environment, Food and Rural Affairs

4th November 2003

SCHEDULE

IDENTIFICATION DOCUMENT FOR REGISTERED EQUIDAE

PASSPORT

General - instructions

I. Passports must contain all instructions needed for their use and the details of the competent authority which issued them.

II. Information shown on passports.

A. Passports must contain the following information -

1. Section I:

Owner

The name of the owner or his agent must be stated.

2. Sections II and III:

Identification

The equid must be identified by the competent authority.

3. Section IV:

Recording of identity checks

Whenever laws and regulations so require, checks conducted on the identity of the equid must be recorded by the competent authority.

4. Sections V and VI:

Vaccination record

All vaccinations must be recorded in Section V (equine influenza only) and in Section VI (all other vaccinations).

5. Section VII:

Laboratory health tests

The results of all tests carried out to detect transmissible diseases must be recorded.

6. Section IX:

Medicinal Treatment

Part I and Part II or Part III of this Section must be duly completed in accordance with the instructions provided for in this Section.

B. Passports may contain the following information -

Section VIII:

Basic health requirements

Section VIII states the basic health requirements.

It lists the diseases which must be noted on the health certificate.

[Click here to view Section I](#)

[Click here to view Section II](#)

[Click here to view Section III](#)

[Click here to view Section IV](#)

[Click here to view Section V](#)

[Click here to view Section VI](#)

[Click here to view Section VII](#)

[Click here to view Section VIII](#)

[Click here to view Section IX](#)

[Click here to view Section Part III-B](#)

Maladies dont l'inclusion dans le certificat zoosanitaire joint au passeport doit être envisagé

Diseases for which an endorsement must be made on the health certificate attached to the passport

1. Peste équine - African horse sickness.
2. Stomatite vésiculeuse - vesicular stomatitis.
3. Dourine - dourine.
4. Morve glanders.
5. Encéphalomyelites équines (tous types) - equine encephalomyelitis (all types).

6. Anémie infectieuse - infectious anaemia.
7. Rage - rabies.
8. Fièvre charbonneuse - anthrax.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England, implement Council Directives 90/426/EEC (OJ No. L224, 18/09/990, p. 42), 90/427/EEC (OJ No. L224, 18/08/1990, p. 55) and Commission Decisions 92/353/EEC (OJ No. L192, 11/07/1992, p. 63), 93/623/EEC (OJ No. L298, 3/12/93, Üjyp. 45) and 2000/68/EC (OJ No. L23, p. 72). They revoke and replace the Horse Passports Order 1997 and the Horse Passports (Amendment) Order 1998.

The Regulations

- (a) provide for the issue of passports for horses registered before 30th November 2003 (Regulation 4), horses not registered before that date (Regulation 5), horses entering England (Regulation 6) and certain horses whose owners have grazing rights (Regulation 7);
- (b) provide for when passports must be obtained for young horses (Regulation 8);
- (c) require declarations to be made as to whether horses are intended for human consumption (Regulation 9);
- (d) require a passport to accompany the horse to which it relates when the move is significant (Regulation 10);
- (e) impose obligations on veterinary surgeons as to the entries to be made in passports and the administration of drugs (Regulation 11);
- (f) provide for horses to be issued with life numbers (Regulation 12);
- (g) provide for the languages in which passports are to be expressed (Regulation 13);
- (h) prohibit various activities in connection with passports;
- (i) provide the rules associated with the sale or death of a horse (Regulation 15);
- (j) provide for the replacement of lost or damaged passports (Regulation 16);
- (k) provide with the rules which apply when applications are made outside time limits (Regulation 17);
- (l) provide for the powers and duties of recognised organisations

- (Regulation 18) and for the withdrawal of recognition (Regulation 19);
- (m) create offences (Regulation 20);
- (n) give powers of entry to inspectors (Regulation 21);
- (o) create offences associated with obstruction (Regulation 22);
- (p) provide for penalties (Regulation 23);
- (q) provide for enforcement (Regulation 24).

A Regulatory Impact Assessment has been prepared and placed in the Library of each House of Parliament. Copies can be obtained from Nazia Naqui, Zone 211, Department for Environment, Food and Rural Affairs, 1A Page Street, London SW1 4PQ.

Notes:

- [1] 1972/1811.[back](#)
 - [2] 1972 c. 68.[back](#)
 - [3] S.I. 1992/3045.[back](#)
 - [4] S.I. 1997/2789.[back](#)
 - [5] OJ No. L224, 18.8.90, p. 1.[back](#)
 - [6] S.I. 1997/2789.[back](#)
 - [7] S.I. 1998/2637.[back](#)
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