

2007 No. 217

ANIMALS

The Horse Passports (Scotland) Amendment Regulations 2007

Made - - - - *6th March 2007*

Laid before the Scottish Parliament *8th March 2007*

Coming into force - - *2nd April 2007*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972^(a) and of all other powers enabling them in that behalf, make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Horse Passports (Scotland) Amendment Regulations 2007 and shall come into force on 2nd April 2007.

Amendments to the Horse Passports (Scotland) Regulations 2005

2. The Horse Passports (Scotland) Regulations 2005^(b) are amended in accordance with the following regulations.

3. For the cross-heading to regulation 1 (citation, application and commencement) substitute—

“Citation, commencement and extent”.

4. In regulation 2 (interpretation), for sub-paragraph (a) of the definition of “passport” substitute—

“(a) an identification document for a horse issued by a passport-issuing organisation containing all the information required by regulation 9(3) or 10(3);”.

5. In regulation 5 (powers and duties of passport-issuing organisation), after paragraph (3) add—

“(4) From the date of making of an application in terms of regulation 22(2) or (3) to the date it has been determined or a transfer made in terms of regulation 22(3)(b), the Scottish Ministers shall exercise the powers and duties under this regulation and regulations 19(d) and (e) and 20.”.

^(a) 1972 c.68. Section 2(2) was relevantly amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

^(b) S.S.I. 2005/223.

6. In regulation 16 (replacement of a lost or damaged passport), for paragraph (1) substitute—

“(1) Where a passport has been lost or damaged the owner of the horse shall 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 that passport-issuing organisation of issue is not known, no longer recognised or registered or no longer in existence, to any passport-issuing organisation.”.

7. For regulation 22 (withdrawal of recognition) substitute—

“Withdrawal of recognition and transfer of passports

22.—(1) Where a recognised organisation has its recognition withdrawn in terms of regulation 3 of the Horses (Zootechnical Standards) Regulations 1992(a), or an international organisation or association has its registration withdrawn in terms of regulation 4(4) of these Regulations, or a passport-issuing organisation ceases to exist, any passport issued by such an organisation or association shall no longer be of any force and effect, except in so far as provided in paragraphs (4)(b) and (5).

(2) The holder of a passport issued by such an organisation or association prior to the date on which recognition or registration was withdrawn shall, within 3 months of that date, apply to another passport-issuing organisation for another passport for that horse.

(3) Where a passport-issuing organisation ceases to exist, the holder of a passport issued by that passport-issuing organisation shall, within 3 months of the date on which it ceased to exist, apply to another passport-issuing organisation—

- (a) for another passport for that horse; or
- (b) to transfer the passport to that passport-issuing organisation.

(4) Where the other passport-issuing organisation agrees to a transfer under paragraph (3)(b)—

- (a) upon receipt of the passport that passport-issuing organisation shall endorse that fact on the passport; and
- (b) the passport shall continue to have full force and effect.

(5) Until the application in terms of paragraph (2) or (3)(a) has been determined or the transfer is made in terms of paragraph (3)(b) the passport issued for that horse shall, if it complies with the provisions of these Regulations, continue to be of full force and effect.”.

8. In regulation 24 (obstruction), for paragraph (b) substitute—

“(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 them for the performance of that person's functions under these Regulations;”.

(a) S.I. 1992/3045.

9. In Schedule 2 (format of passports), for the first heading to the table in section VIII substitute—

“LA PRÉSENTE CERTIFICATION EST VALABLE 10 JOURS À COMPTER DE LA DATE DE SA SIGNATURE PAR LE VÉTÉRINAIRE OFFICIEL. ”.

St Andrew's House,
Edinburgh
6th March 2007

ROSS FINNIE
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Horse Passports (Scotland) Regulations 2005 (“the principal Regulations”).

These Regulations provide for a horse passport holder to apply for another passport or transfer a passport where a passport-issuing organisation ceases to exist (regulation 7). Regulation 5 of the principal Regulations is also amended to provide that the Scottish Ministers shall exercise specified powers and duties of passport-issuing organisations where another passport or a transfer is applied for and until that application is determined or the transfer is made (regulation 5). Provision is also made in regulation 16 of the principal Regulations for an application for a replacement passport to be made to any passport-issuing organisation where a passport-issuing organisation is no longer recognised or registered or in existence (regulation 6). Regulations 3, 4, 8 and 9 make minor changes and corrections to the principal Regulations.

A Regulatory Impact Assessment has not been prepared for these Regulations.

£3.00

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