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# The Scottish Government Horse Passports - Guidance for Owners, Keepers, Veterinarians and Local Authorities in Scotland

2020







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## Section A: Introduction

[The Equine Animal \(Identification\) \(Scotland\) Regulations 2019](#)<sup>1</sup>, which came into force on 28 March 2019 revoke and replace the Horse Identification (Scotland) Regulations 2009. The Regulations further implement European Commission Implementing Regulation [\(EU\) 2015/262](#)<sup>2</sup>. The legislation requires all equines, regardless of age or status, to be accompanied by an identification document (passport/ScotEquine card) and implanted with a microchip. This would include, without exception, equines used for agricultural purposes, riding ponies, pets, companion animals, hacks, competition animals etc. Similar domestic Regulations have been introduced in England, Wales and Northern Ireland.

Following birth, horses must be identified by both a passport and with a microchip inserted into the nuchal ligament.

With effect from 28 March 2021, it will be mandatory for **all** horses **not currently** identified by means of a microchip to be identified by the insertion of a microchip as well as a passport.

Horse passports are a human health measure to ensure that horse meat and products do not enter the human food chain if they have been treated with certain veterinary medicines. There is a risk to human health if certain substances are consumed.

### What this guidance is for

This guidance is designed to assist in understanding the requirements for horse passports and specifically the duties/roles each of the following play in ensuring a horse is correctly identified throughout its lifetime:

- Horse owners/keepers (see Section C)
- Veterinarians (see Section D)
- Local Authorities (see Section E)<sup>3</sup>

It is not an exhaustive guide and has no legal standing. In case of doubt, please refer to European Commission Implementing Regulation (EU) 2015/262 and the Equine Animal (Identification) (Scotland) Regulations 2019 or consult your legal adviser.

Separate guidance for Passport Issuing Organisations (PIOs) is set out in the [Minimum Operating Standards \(MOps\)](#)<sup>4</sup> for Scottish approved horse passport issuing organisations.

### Breaches of The Equine Animal (Identification) (Scotland) Regulations 2019

Local Authorities are responsible for enforcing the Regulations.

Anyone who suspects a breach of the Regulations should report their concerns to their [Local Authority](#)<sup>5</sup> Inspectors and **not** the Scottish Government.

<sup>1</sup> <http://www.legislation.gov.uk/ssi/2019/30/contents/made>

<sup>2</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32015R0262>

<sup>3</sup> It is advisable that Local Authority Inspectors familiarise themselves with the document in its entirety.

<sup>4</sup> <https://www.gov.scot/publications/horse-passports-operating-standards-for-issuing-organisations/>

<sup>5</sup> <https://www.cosla.gov.uk/councils>



## Penalties

A person who commits an offence under The Equine Animal (Identification) (Scotland) Regulations 2019 is liable on summary conviction to a fine not exceeding level 5 on the [standard scale](https://www.legislation.gov.uk/ukpga/1995/46/section/225)<sup>6</sup>.

Fixed penalty notices will be issued if an offence has occurred during the movement or transportation of a horse. In these circumstances, a fine of 40% of Level 1 on the standard scale will apply.

Full information on offences can be found in The Equine Animal (Identification) (Scotland) Regulations 2019.



<sup>6</sup> <https://www.legislation.gov.uk/ukpga/1995/46/section/225>



## Section B: Definitions

**‘Horse’** means wild or domesticated soliped mammal(s) of all species within the genus *Equus* of the family Equidae and their crosses.

**‘Keeper’** means any natural or legal person having possession of, or being charged with, the keeping of horses, whether or not for financial reward, and whether on a temporary or permanent basis, including during transportation, at markets, or during competitions, races or cultural events.

**‘Owner’** means the natural or legal person(s) having the ownership of the equine animal.

**‘Holding’** means an agricultural or training establishment, a stable or any premises or facilities in which equidae are habitually kept or bred, for whatever use, and nature reserves in which equidae live in freedom.

**‘Microchip’**, is defined as a ‘transponder’ in Art 2(2) of the EU Regulation and is a read-only passive radio-frequency identification device:

- (i) complying with standard ISO 11784 and applying Full Duplex (FDX or FDX -B) or Half Duplex (HDX) technology; and
- (ii) capable of being read by a reading device compatible with standard ISO 11785, at a minimum distance of 12cm.

**‘Vet’** means a veterinary surgeon who has membership of the Royal College of Veterinary Surgeons (RCVS) or of an equivalent body in an EU member State.

**‘UKCED’** means the UK Central Equine Database.

**‘ScotEquine’** means the [Scottish Equine Database](https://www.scotequine.com/p/about.html)<sup>7</sup> which is operated on behalf of Scottish Ministers by ScotEID to pass all data from Scottish Passport Issuing Organisations to the UK Central Equine Database and receive and hold data from the UK Central Equine Database on all horses whose owners have a Scottish postcode.

**‘2019 Regulations’** means the Equine Animal (Identification) (Scotland) Regulations 2019.

**‘Registered horse’** is a horse which is entered or registered and is eligible for entry in a studbook, in accordance with the rules laid down pursuant to [Article 4\(2\)\(b\) of Directive 90/427/EEC](#)<sup>8</sup> and identified by means of an identification document provided for in Article 8(1) of that Directive; or

a horse, including ponies, registered with an international association or organisation, which manages horses for competition or racing and identified by means of an identification document issued by the national branch of that association or organisation.

**‘Breeding and Production horse’** is any horse not referred to above or which is intended to be transported either directly or after transit through an approved marshalling centre, referred to in [Article 7 of Directive 2009/156/EC](#)<sup>9</sup>, to the slaughterhouse for slaughter.

<sup>7</sup> <https://www.scotequine.com/p/about.html>

<sup>8</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31990L0427&from=en>

<sup>9</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0156&from=EN>



## Section C: Horse Owners/Keepers

This section is designed to assist people who own and/or keep horses to understand the requirements for horse identification. It is not an exhaustive guide and has no legal standing. In case of doubt, please refer to The Equine Animal (Identification) (Scotland) Regulations 2019 and the European Commission Implementing Regulation (EU) 2015/262 or consult your legal advisor.

### Apply for a horse passport

All horse keepers must obtain individual passports for each horse they are responsible for. Passports must be obtained from an authorised Passport Issuing Organisation (PIO) – this is a legal requirement.

Most PIOs are recognised breed societies and may only issue passports for a particular breed of horse, however, for horses that do not qualify for specific breed recognition, there are PIOs that will issue an identity passport to satisfy the legal requirement.

In Scotland, there are 5 PIOs approved by the Scottish Government. A list of these PIOs can be found in the Annex and other UK PIOs can be found using the link below.

[Other UK Passport Issuing Organisations](#)<sup>10</sup>

### What is a horse passport?

It is a single lifetime identification document which records the identity of a horse and contains information about the horse including certain veterinary medicines administered to it. A horse passport is not an ownership document.

The passport which, unless otherwise provided by the issuing body or provided for in Commission Implementing Regulation (EU) 2015/262, shall remain the property of the issuing body that issued it.

### Deadline for identification

A horse must be identified by the later of 31 December in the year of its birth, or within 6 months of its birth.

An application for a passport must be submitted to the PIO 30 days prior to the deadline for identification. PIOs must issue an application pack within 7 days of it being requested.

### How to obtain a passport

The following information explains how to go about obtaining a passport for your horse. Passports are not issued by the Scottish Government, they are issued by authorised PIOs.

<sup>10</sup> <https://www.gov.uk/horse-passport/apply-for-a-horse-passport>

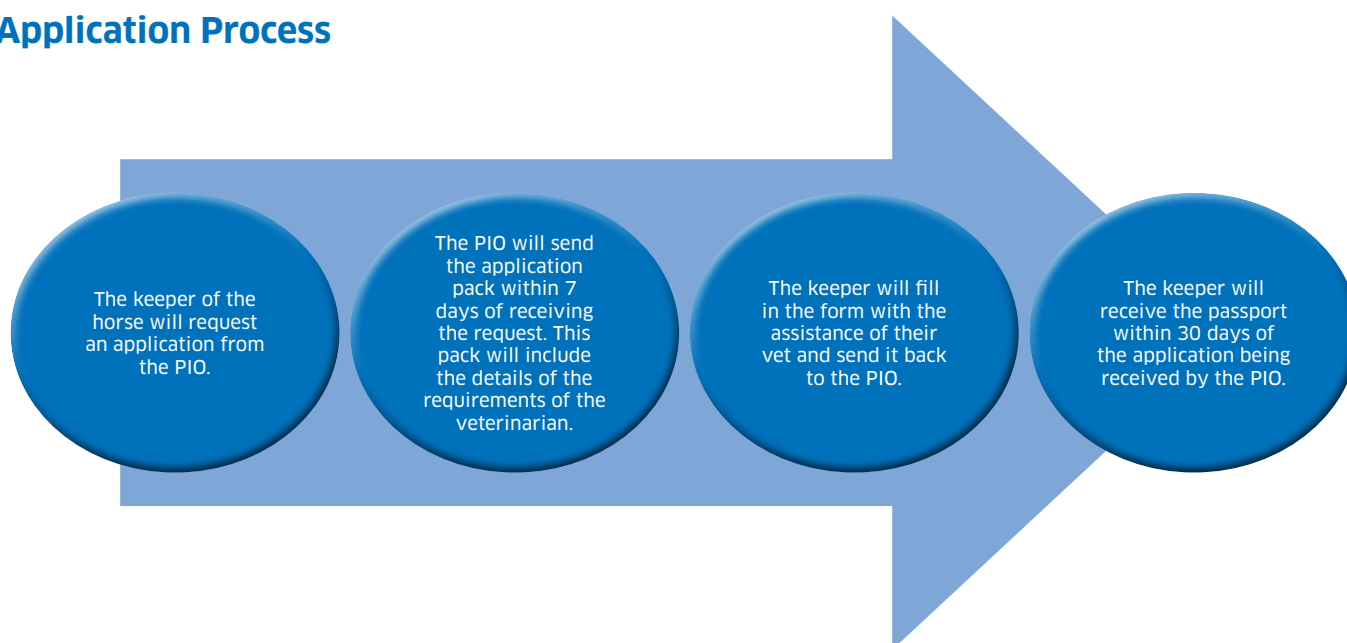
## Points to consider before obtaining a passport (cost, silhouette etc.)

Before you decide from which PIO you wish to obtain a passport, there are a few points you may first wish to consider.

The cost of passports will be set by the PIO and could vary. It would therefore be advisable to check the cost of the passport with the PIO you are considering before submitting an application.

As part of your application you are required to provide a diagram (known as a silhouette) of your horse which accurately shows all distinguishing marks. It may be possible to complete this silhouette yourself if you obtain a passport from certain PIOs, but many PIOs require this to be done by a vet which could mean additional cost. It would be advisable to check these points with the PIO you are considering before submitting an application.

## Application Process



Microchipping will be carried out in addition to completing the silhouette. Please be aware that PIOs may insert a copy of a silhouette into your passport which has been scanned or photocopied from the original, provided by you. Therefore, on receipt of your passport, you should check the silhouette for accuracy and clarity and refer any problems back to the PIO as quickly as possible.

If you wish a passport to contain verified breed details you need to first check that the PIO you are considering can provide that service and that your horse is eligible for entry into the studbook of a breed society before submitting an application.

If you are the keeper or owner of a horse in Scotland but obtain a passport from elsewhere in the UK, as well as complying with the rules of your PIO, you are also subject to the legislative requirements of the 2019 Regulations.



## Application forms and microchips

A PIO will issue an application form for a passport and before you submit the application, you must ensure your horse is implanted with a microchip.

You will also need to declare in the application whether the animal is intended for the human food chain. If your animal is declared in the passport as unfit for human consumption then that declaration is irreversible.

Only a vet can implant your horse with a microchip. The vet, before implanting a microchip, will be required to ensure that the horse has not already been identified by insertion of a microchip.


The passport application form must also be signed by the vet to confirm the information provided is correct. The PIO is responsible for making reasonable checks to ensure that any microchip number and silhouette provided in an application is completed correctly, legibly and the application has been signed by a vet<sup>11</sup>.

## Duplicate and replacement identification documents

When an application for a passport is late, the document has been lost, or if details in any existing passport are incorrect, the PIO will issue a duplicate or replacement document. In these circumstances, and before issue, the PIO will stamp and sign Part II of Section II of the duplicate or replacement document to declare that the horse is **not** intended for slaughter for human consumption.

Table summarising type of passport that is issued for late or lost passport applications:

| Situation   | Duplicate   | Replacement  |
|---|---|--|
| Late Application  | Issued if mother known, and has been issued with a passport | Issued if mother not known   |
| Lost Application  | Issued if horse can be identified by microchip or otherwise | Issued if horse cannot be identified and there is no evidence that a passport has been issued previously for the horse |
| Competent Authority has proof details in existing passport are incorrect and do not match the corresponding equine animal | Always issued   | N/A  |

<sup>11</sup> The silhouette can be completed by an appropriate person authorised to do so by the PIO, so long as the location of the microchip is marked with an  and the silhouette as a whole confirmed by the vet.

## When a passport is required

A valid passport should remain with the animal at all times (unless a ScotEquine card has been issued). For example, it should accompany the horse when it is moved for the purposes of competition or breeding, out of Scotland, on to the premises of a new keeper, for the purposes of receiving veterinary treatment and when it is moved to slaughter.

There are some limited exceptions to the requirement to hold a passport or a ScotEquine card. They are not required to accompany the animal when it is:

- a) stabled or on pasture, and the identification document can be presented without delay by the keeper;
- b) temporarily ridden, driven, led or taken to a place
  - i. in the vicinity of the holding so that the passport can be presented without delay; or
  - ii. to and from registered summer grazing grounds provided that the passport can be presented at the holding of departure;
- c) unweaned and accompanying its dam or foster mare;
- d) participating in a training or test of an equestrian competition or event which requires them to leave temporarily the training, competition or event venue;
- e) moved or transported in an emergency situation relating to the horse or to the holding on which they are kept.

In addition, a horse may be moved for a period not exceeding 45 days without a passport if a temporary document has been issued (but not if being moved or transported for slaughter).

## ScotEquine card

The 2019 Regulations permit the movement or transport of horses within Scotland without a passport if they are accompanied by a ScotEquine card. The ScotEquine card does not replace a passport. It is a robust ID card (containing statutory information) which can accompany a horse when it is being transported as an alternative to the paper passport. The ScotEquine card will facilitate access to additional information on ScotEquine, including food chain status, through a 'QR' (Quick Response) code. ScotEquine cards are an optional measure for keepers.

A horse cannot be moved to slaughter with a ScotEquine card. It must be accompanied by its passport. A horse cannot be bought or sold with only a ScotEquine card.

## Movement and transport for slaughter

The passport must accompany horses for slaughter while they are moved or transported to the slaughterhouse.



## Suspension of movement

An Official Veterinarian (OV) may suspend the validity of the passport for movement of horses in circumstances where a holding is subject to a prohibition order as a result of a disease outbreak, or where African horse sickness is present in a Member State or part of a Member State.

## Importing and exporting

As international trade is a devolved matter guidance on the [import](#)<sup>12</sup> and [export](#)<sup>13</sup> of equine animals can be found on the gov.uk webpages.

## Updating identification documents

There is a legal requirement to keep the information in a horse's passport up-to-date and correct, including ownership details and the food chain status of the animal.

## Obligations of keepers who hold passports

The keeper of a horse must ensure that the following details in the passport are at all times up-to-date and correct:

- a) the status of the equine animal as regards its eligibility for slaughter for human consumption;
- b) the microchip code;
- c) the status as either a registered horse or a horse for breeding and production; and
- d) the information on ownership.

Where there arises a need to update other details in the passport, the keeper should lodge the passport with the issuing body within 30 days of the event that led to those changes.

## Temporary documents

Information in a horse's passport must be kept up-to-date. The passport should be returned to the PIO who will normally complete any updates within 10 working days. If the PIO cannot update the passport within this timescale, they will issue a 'temporary document' which will allow the horse to be moved or transported throughout the UK for a period **not** exceeding 45 days.

If a horse receives medicinal treatment when the passport is unavailable, the passport should be updated retrospectively to reflect the treatment received. A vet will provide you with a written note detailing medications administered.

A horse cannot be moved to a slaughterhouse for slaughter for human consumption accompanied by a temporary document. It must be accompanied by a valid passport.

<sup>12</sup> <https://www.gov.uk/guidance/importing-horses-if-theres-a-no-deal-brex>

<sup>13</sup> <https://www.gov.uk/guidance/export-horses-and-ponies-special-rules>

If during the 45 day period, the horse is to be moved out of the UK to a European Union country, or through an EU country to a third country, the temporary document must be accompanied by a health certificate – see Annex III of Council Directive 2009/156/EC.

## Death or loss

In all cases of death or loss (including theft) of the horse, the keeper must return the passport to the PIO within 30 days indicating the date on which this occurred so that the PIO can invalidate the document and update their database. You may request that the PIO return the passport once it has been invalidated and if it is in keeping with the PIOs own procedures.



## Horses requiring veterinary treatment

Prior to any horse receiving veterinary treatment, the keeper should show the passport to the vet. Depending on the treatment the horse receives the vet may need to sign Section II Part II (Part II Section IX in pre-2016 issued passports) irreversibly removing the animal from the human food chain.

If no passport is available, the vet must provide a written record of the treatment administered and this information should be entered in the passport as soon as possible.



When submitting an application for a passport for a horse you must notify the PIO of any veterinary product administered to that horse.

Where certain veterinary treatments are administered to the horse and those treatments lead to the horse being deemed not fit for human consumption, the vet responsible for any such treatment must update the passport to make clear that the horse is irreversibly removed from the human food chain. The vet should do so by completing and signing Section II Part II of the passport, and invalidating Part III of Section II of the passport. The keeper must lodge the passport with the PIO within 14 days of the date that Part II of Section II has been signed.

All vaccines administered must be recorded in the passport and certified by a vet regardless of whether or not the horse is intended for human consumption.

There is no legal requirement to record any other medicines in the passport of a horse if it has been signed out of the human food chain, other than vaccination records.

## Slaughter for human consumption

A horse cannot be consigned for slaughter for human consumption unless it is accompanied by a valid passport and the declaration at Part II Section II (Part II Section IX in pre-2016 issued passports) shows that the animal is intended for slaughter for human consumption.

Whether or not the horse should be consigned for slaughter for human consumption should be detailed in the passport. The passport should match the records held on the UK Central Equine Database.

The medicinal record of the horse will be checked at the slaughterhouse to determine the animal's suitability to enter the food chain and following slaughter, the invalidated passport must be returned to the PIO within a period of 30 days.

## Databases

The UK Central Equine Database (UKCED) is operated by [Equine Register](https://www.equineregister.co.uk/home)<sup>14</sup> on behalf of Defra, in partnership with the Scottish Government, Welsh Government and the Northern Irish Government.

ScotEquine feeds all Scottish PIO data into the UKCED and in return is fed data back on horses where the owners have a Scottish postcode.

Upon creation of a new record/update to a record, PIOs should upload this information to ScotEquine within 1 week of the record being created.

Passports issued in EU Member States for horses kept at a UK address can be updated by any UK PIO which must notify the change of record to the non-UK PIO that issued the passport who then notifies the central database of the Member State where the animal was born.

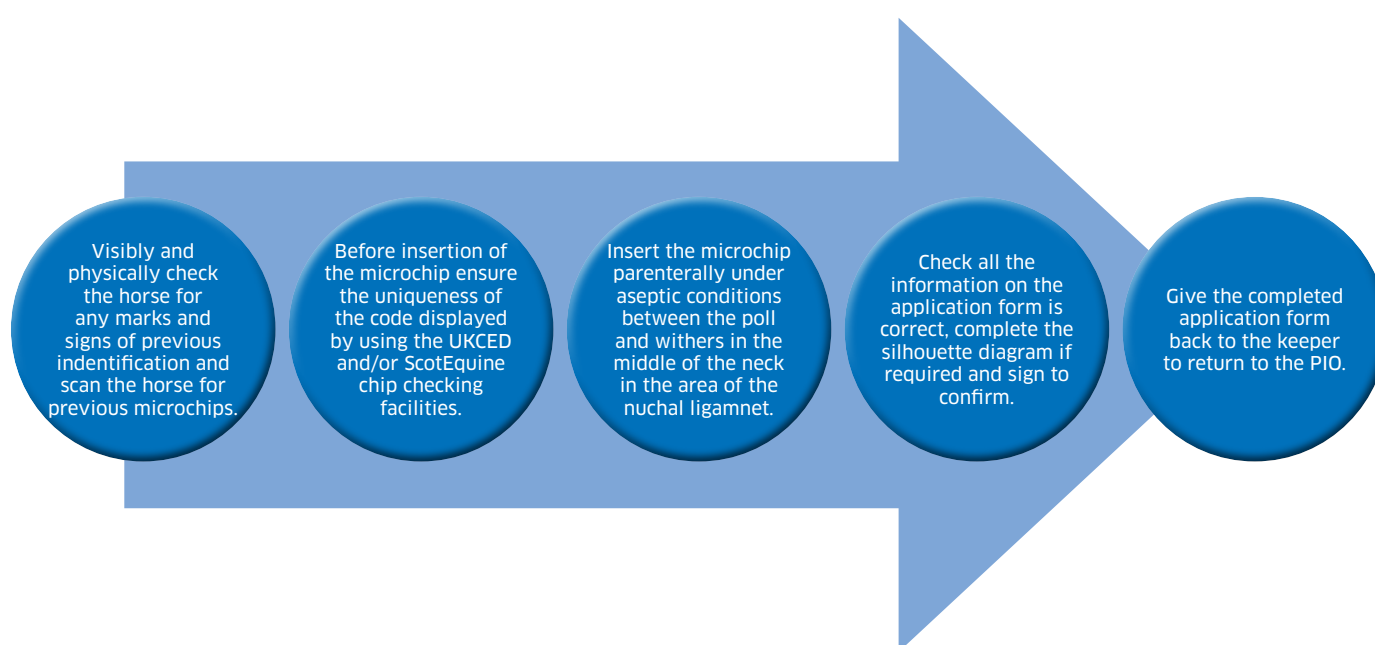
<sup>14</sup> <https://www.equineregister.co.uk/home>

## Section D: Veterinarians

This section is designed to assist veterinary surgeons with understanding of the requirements for horse passports. It is not an exhaustive guide and is not a legal document. In case of doubt, please refer to The Equine Animal (Identification) (Scotland) Regulations 2019 and European Commission Implementing Regulation (EU) 2015/262 or consult your legal adviser.

The Royal College of Veterinary Surgeons (RCVS) Code of Professional Conduct sets out veterinary surgeons' professional responsibilities and can be accessed [here](https://www.rcvs.org.uk/setting-standards/advice-and-guidance/code-of-professional-conduct-for-veterinary-surgeons/)<sup>15</sup>.

### Vet steps when a passport is being applied for



### Databases

In Scotland vets will be able to check the food chain status of the animal (as recorded on the UKCED) against the horse's microchip number. This will be useful in instances where a horse can be scanned for a microchip but no passport or ScotEquine card, (see below) is readily available.

### ScotEquine card

The 2019 Regulations permit the movement or transport of horses within Scotland without a passport if they are accompanied by a ScotEquine card. The ScotEquine card does not replace a passport. It is a robust ID card (containing statutory information) which can accompany a horse when it is being transported as an alternative to the paper passport. The ScotEquine card will facilitate access to additional information on ScotEquine, including food chain status, through a 'QR' (Quick Response) code. ScotEquine cards are an optional measure for keepers.

A horse cannot be moved to slaughter with a ScotEquine card. It must be accompanied by its passport. A horse cannot be bought or sold with only a ScotEquine card.

<sup>15</sup> <https://www.rcvs.org.uk/setting-standards/advice-and-guidance/code-of-professional-conduct-for-veterinary-surgeons/>



## Microchipping

The 2019 Regulations require that in addition to the passport, all horses must be identified by the insertion of a microchip following birth. This should be done before applying for a passport. Any medications administered to a horse before the passport is issued must be noted by the vet and retrospectively added to the passport upon issue of a passport.

Only vets are authorised to perform the insertion of a microchip into a horse in the UK. Before implanting the microchip, the vet is required to ensure that the horse has not been previously identified. The vet will scan the horse for existing implanted microchips and look for any scars made by previous procedures to either implant or remove a microchip. If the vet finds evidence of an existing microchip, the new microchip will **not** be inserted. The vet will advise the keeper of the existing microchip number(s) and the keeper should request the PIO to carry out checks of their records to ascertain if the horse has been previously issued with a passport.

The microchip shall be implanted parenterally under aseptic conditions between the poll and withers in the middle of the neck in the area of the nuchal ligament. The vet must ensure the uniqueness of the microchip code before insertion. Microchips must comply with ISO standard 11784 and ISO standard 11785. The vet must use the chip checking facilities available to them through the [UKCED](#)<sup>16</sup>.



<sup>16</sup> <https://www.equineregister.co.uk/home>

## Microchipping of older animals

With effect from 28 March 2021 it will be a legal requirement that all horses must be microchipped, have a passport and be registered with a PIO.

The vet will scan the horse for existing implanted microchips and look for any scars made by previous procedures to either implant or remove a microchip. If the vet finds evidence of an existing microchip, the new microchip will **not** be inserted. The vet will advise the keeper of the existing microchip number(s) and the keeper should request the PIO to carry out checks of their records to ascertain if the horse has been previously issued with a passport.

The microchip shall be implanted parenterally under aseptic conditions between the poll and withers in the middle of the neck in the area of the nuchal ligament.

## The Declaration

In Section II Part II of the passport, there is a declaration to indicate if the horse is not intended for slaughter for human consumption. Part II Section IX in pre-2016 issued passports are different in that they require a signature to confirm that either the animal is intended for human consumption or that the animal is not intended for human consumption. If this declaration **is not** signed, the horse is to be treated as though it is intended for human consumption.

In certain circumstances the declaration must be signed to declare the horse as not intended for slaughter for human consumption. Declarations that indicate that a horse is 'not intended for slaughter for human consumption' **cannot** be reversed.

## Veterinary Medicines/Veterinary Medicines Directorate (VMD) website

Information on the veterinary medicines authorised for the treatment of horses is available on the Product Information Database on GOV.UK: <https://www.gov.uk/check-animal-medicine-licensed>.

This database provides **essential** information on veterinary medicines authorised for use in horses and should be read carefully and checked frequently since it is updated on a monthly basis. The database has a predefined search for medicines for use in food-producing horses. Further information on veterinary medicines for horses can be found on GOV.UK:

<https://www.gov.uk/guidance/horse-medicines-and-recording-keeping-requirements>

## Horses requiring veterinary treatment

Prior to any horse being administered with a veterinary medicine, the attending vet should be shown the passport. If the passport is unavailable then the vet should be shown the ScotEquine card which is linked to ScotEquine, this will show the food chain status of the horse. The vet must first be satisfied that the horse is the one described in the passport/ScotEquine card. If there is any doubt, the vet should try to resolve the differences with the owner. If the issue of identification **cannot** be resolved and the vet remains unconvinced that the animal to be treated is the animal described in the passport, he/she should treat the horse as if it has no passport or has a passport without Section II pages (see **paragraph D** for details).



If the vet is satisfied that the horse is the one described in the passport, the action the vet then takes will depend on the treatment the horse requires and which declaration, if any, has been signed at Section II (see **paragraphs A-D**).

**A. Declaration signed: horse is intended for human consumption (only applies to horses with passports issued prior to 1 July 2009)**

Guidance on medicines which can be administered to a horse which is intended for human consumption can be found here <https://www.gov.uk/guidance/horse-medicines-and-recording-keeping-requirements>

**B. Declaration signed: horse is not intended for human consumption**

- the vet may treat the horse with any authorised veterinary medicine, or with any other medicines under the prescribing cascade, where a suitable authorised veterinary medicine is not available. There is no need to record any treatment, other than vaccinations, because declarations signed to the effect that the horse is **not** intended for human consumption **cannot** be reversed.

**C. Passport present but not signed**

- since it is still possible that the horse being treated could ultimately be slaughtered for human consumption, vets **must** record in Section II Part III (Part II Section IX in pre-2016 issued passports) of the passport any use of “essential substances” including the date of the **last** treatment. The horse must be excluded from the food chain if it is administered with any substances which would deem the animal unfit for human consumption.





#### D. Passport not present or does not contain Section II

For circumstances where the passport is not immediately available, such as:

- the animal is a foal and a passport is not yet required;
- the horse being exercised when it required medical attention and the passport is at the owner's home premises;
- the passport has been returned to the PIO for updating;
- a passport has been applied for, but not yet received;
- the passport is lost and a replacement has been applied for but not yet received;
- the horse is cared for by a charity or welfare organisation (in which case it is not expected to have a passport until it has a new owner); or
- the owner is wilfully not complying with the legal requirements.

Whatever the reason for the missing passport, vets should still treat the horse but should not administer any non-essential substances **unless absolutely necessary** for the welfare of the horse.

- Vets **must** record in their own clinical records the medicines administered and maintain that record. A copy of the relevant written entry **must** be passed to the person in charge of the horse. If the product administered contains a non-essential substance, this **must** also be noted in the records and copied to the person in charge of the horse. This record copy **must** also state that when the passport is available, the declaration at Section II **must** be signed 'not for human consumption'.
- When the passport is available, it is the responsibility of the owner to ensure that it is updated in accordance with the written record copy provided by the vet.
- Phenylbutazone is neither listed in Table 1 nor has been included in Table 2 of Regulation (EU) 37/2010. This means that, whilst not a banned active ingredient, it cannot be used in food producing animals.
- The VMD has authorised the use of products containing phenylbutazone as an active ingredient, but the use is restricted to non-food horses only.
- **Horses that have been treated with phenylbutazone must not enter the food chain** and their passports must be signed by the owner or vet at Part II of Section II (Part II Section IX in pre-2016 issued passports) to indicate that the animal is not intended for human consumption.

## Passports for foals

A foal does not require to be identified until the later of either 31 December of the year of its birth, or within 6 months following the date of its birth. Vets treating a foal which does not yet have a passport should proceed as detailed in the first and second bullet points at **paragraph D**. Owners should retain the information provided by the vet until such time as a passport is obtained and the information can be transferred as appropriate.

## Additional information/clarification

This advice has been prepared in consultation with the Royal College of Veterinary Surgeons, the British Veterinary Association, the British Equine Veterinary Association and the VMD.

The VMD can be contacted on 01932 336911 or by email at [postmaster@vmd.defra.gsi.gov.uk](mailto:postmaster@vmd.defra.gsi.gov.uk).

If further clarification on medicines is required information can be found on the [VMD](#)<sup>17</sup> webpage.



<sup>17</sup> <https://www.gov.uk/government/organisations/veterinary-medicines-directorate>

## Section E: Local Authorities

This section is designed to assist Local Authorities with understanding the enforcement requirements of horse passports. It is not an exhaustive guide and is not a legal document. In case of doubt, please refer to The Equine Animal (Identification)(Scotland) Regulations 2019 and European Commission Implementing Regulation (EU) 2015/262 or consult your legal adviser.

### Purpose

The primary purpose of the horse passport enforcement regime is to ensure compliance. Enforcement of this legislation should contribute towards Local Authority's existing trading standards work to protect consumers and support legitimate business, while the equine identification system aims to prevent horsemeat, which may have been treated with veterinary medicine, from entering the human food chain.

### Offences

A person who commits an offence under The Equine Animal (Identification) (Scotland) Regulations 2019 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Fixed penalty notices will be issued if an offence has occurred during the movement or transportation of a horse. In these circumstances, a fine of 40% of Level 1 on the standard scale will apply.

Full information on offences can be found in The Equine Animal (Identification) (Scotland) Regulations 2019.

### Key Inspection Points

#### PIOs

- Ensuring that PIOs are operating efficiently and within the requirements of the law.
- Ensuring that PIOs have an electronic record which contains the information of the passports they have issued.

#### Horse Owners/Keepers

- Check that owners/keepers have horse passports at events and shows.
- Check that microchips match passports by scanning horses.
- Check if Part II Section II (or Part II Section IX in pre-2016 passports) is signed and see whether the appropriate medications and vaccinations are being recorded.
- Check that the owner information is correct.
- Inspectors can also ask for passports on premises where horses are kept.
- Horse owners/keepers in Scotland may have ScotEquine card – it is not an offence if these cannot be presented.



### Passport Fraud

- Where a PIO receives a passport that they believe has been fraudulently tampered with, they should send the passport to their local authority;
- The local authority should then assess the passport and send it to the relevant local authority to follow up.

### Reasons why a passport may be unavailable

The main reasons are:

- the animal is a foal and a passport is not yet required;
- the horse is being exercised and the passport/ScotEquine card is at the owner's home premises;
- the passport has been returned to the PIO for updating (i.e. changes of ownership, updating the silhouette, etc.) however, the PIO will aim to issue a temporary document within 10 working days;
- a passport has been applied for but not yet received;
- the passport is lost and a replacement has been applied for but not yet received;
- the horse is cared for by a charity or welfare organisation; or
- the owner is only visiting Scotland and the horse will be in the country for less than 30 days.

### Powers of Entry

An inspector may, on producing a duly authenticated document showing the authority of that inspector, at all reasonable hours, enter any premises (excluding any premises not containing any horse and used only as a dwelling) for the purpose of administering and enforcing European Commission Implementing Regulation (EU) 2015/262 and The Equine Animal (Identification) (Scotland) Regulations 2019; and "premises" includes any vehicle or container.

An inspector may:

- (a) require the production of an identification document, duplicate identification document, replacement identification document or ScotEquine card and mark it as necessary;
- (b) carry out any enquiries;
- (c) have access to, and inspect and copy any records (in whatever form they are held) kept;
- (d) remove such records to enable them to be copied;
- (e) have access to, inspect and check the operation of any computer and any associated apparatus or material that 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 the inspector such assistance as may reasonably be required 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;



- (f) mark any equine animal or other thing for identification purposes;
- (g) examine any equine animal, identification document or microchip;
- (h) require the name and address of any person in charge or in possession of identification documents, records or studbooks, or in control of any equine animal;
- (i) take photographs or any other digital record of anything on the land or premises;
- (j) take samples from, for the exercise of his or her functions, an equine animal or any article the inspector may reasonably require, and carry out or cause to be carried out, on the samples such tests, analyses, examinations or inspections as the inspector considers necessary or expedient, and mark or otherwise identify the sample; and
- (k) be accompanied by such other persons as the inspector considers necessary.

## Fixed Penalty Notices

The Fixed Penalty Notice's (FPN) scheme has been introduced to encourage responsible horse ownership. The scheme is not designed to punish those already following the rules around horse ownership, rather clamp down on those who are operating outside of the law and whose practices pose a potential risk to those acting responsibly.

Regulation 27(1)(a) and (b) of the Equine Animal (Identification) (Scotland) Regulations 2019 contain offences that a FPN may be issued in respect of. These are:

- Moving or transporting a horse without a passport or where no ScotEquine Card has been issued (excluding horses which are:
  - a) stabled or on pasture, and the identification document can be presented without delay by the keeper;
  - b) temporarily ridden, driven, led or taken to a place
    - i. in the vicinity of the holding so that the passport can be presented without delay; or
    - ii. to and from registered summer grazing grounds provided that the passport can be presented at the holding of departure;
  - c) unweaned and accompanying its dam or foster mare;
  - d) participating in a training or test of an equestrian competition or event which requires them to leave temporarily the training, competition or event venue;
  - e) moved or transported in an emergency situation relating to the horse or to the holding on which they are kept. In addition, a horse may be moved for a period not exceeding 45 days without a passport if a temporary document has been issued (but not if being moved or transported for slaughter).
- Moving or transporting a horse for slaughter without a valid passport.

A fixed penalty notice must:

- (a) identify the alleged offence;
- (b) give reasonable particulars of the circumstances alleged to constitute that offence;
- (c) state the amount of the penalty and the period within which it may be paid;
- (d) state the person to whom and the address at which payment of the penalty may be made;
- (e) state the method or methods by which payment may be made;
- (f) identify the person to whom and the address at which any representations relating to the notice may be made; and
- (g) contain an explanation of the effect of making payment in accordance with the notice, and of the consequences of not making a payment within the period for payment.

If a FPN is offered and the recipient accepts the penalty, all criminal liability in respect of the matter will be discharged. If they do not pay the FPN, Local Authorities can refer the case to



COPFS for consideration for possible prosecution. They will have up to 28 days from the date of issue of the penalty notice to decide whether to accept the offer and pay. However, the Local Authority may extend the period for paying the FPN in any particular case if it considers it appropriate to do so.

If the FPN is paid within the specified time, no criminal proceedings will be taken and no criminal conviction will be recorded in respect of the alleged offence.

Where a FPN has been withdrawn then no amount is payable and any amount paid in pursuance of that notice must be repaid to the person who paid it.

### **Additional information/clarification**

This advice has been prepared in consultation with the Royal College of Veterinary Surgeons, Veterinary Medicine Directorate, British Veterinary Association, British Equine Veterinary Association and the Local Authority Stakeholder group.



## Annex A: Scottish approved horse Passport Issuing Organisations

| Name  | Contact Details  |
|---|--|
| Shetland Pony Stud-Book Society                                       | Claire Lindsay<br>Shetland House<br>22 York Place<br>Perth<br>PH2 8EH<br><br>01738 623471 or 01738 458765<br><a href="mailto:claire@spsbs.co.uk">claire@spsbs.co.uk</a>  |
| Highland Pony Society   | Susie Robertson<br>Secretary<br>Garbh Allt House<br>Maidenplain Place<br>Aberuthven<br>Perthshire<br>PH3 1EL<br><br>01764 664000<br><a href="mailto:info@highlandponysociety.com">info@highlandponysociety.com</a> |
| The Clydesdale Horse Society  | Ian A Roy BA<br>7 Turretbank Place<br>Crieff<br>PH7 4LS<br><br>07720 895870<br><a href="mailto:secretary@clydesdalehorsesociety.com">secretary@clydesdalehorsesociety.com</a>                                      |
| The Eriskay Pony Society Ltd  | Lorna Holden<br>c/o Sinclair<br>Four Winds<br>Lady Ileene Road<br>Tarbet<br>Argyll<br>PA29 6TU<br><br>07795222469<br><a href="mailto:registrar@eriskaypony.com">registrar@eriskaypony.com</a>                      |
| Eriskay Pony (Purebred) Studbook Society -<br>Commann Each nan Eilean | Sandra MacInnes<br>Scrien View<br>Balla<br>Isle of Eriskay<br>Outer Hebrides<br>HS8 5JL<br><br>01878 720214<br><a href="mailto:eriskaypony@outlook.com">eriskaypony@outlook.com</a>                                |







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