

## POLICY NOTE

### THE EQUINE ANIMAL (IDENTIFICATION) (SCOTLAND) REGULATIONS 2019

#### SSI 2019/30

The above instrument was made in exercise of the powers conferred by section 2(2) of, and paragraph 1A of schedule 2 to, the European Communities Act 1972. The instrument is subject to negative parliamentary procedures.

#### **Purpose of the instrument.**

This instrument will make provision in Scotland for the enforcement of Commission Implementing Regulation (EU) 2015/262<sup>1</sup> which came into force on 1 January 2016 and establishes a system for the identification of equine animals.

The purpose of the instrument is to enhance controls on the issue, use and quality of horse passports. This is in response to the horsemeat fraud in 2013.

The main differences from the previous EU Regulation is the requirement for a Central Equine Database (CED), more stringent passport quality standards, controls to reduce the risk of fraud and clear powers to require withdrawal and re-issue of passports if there is evidence of non-compliance.

#### **Policy Objectives**

##### **Central Equine Database (CED)**

The new EU Regulation introduces an obligation for each Member State (MS) to operate a central equine database containing statutory identification information on all horses within their territory including eligibility for the food chain.

Passport Issuing Organisations (PIOs) will continue to issue passports, they will be required to upload data to the UK CED in addition to recording information on their own database.

##### **Scottish Equine Database (SED)**

Equine Identification is a devolved policy area alongside the wider responsibilities that Scottish Ministers have for animal health and welfare. Scottish PIOs and equine sector stakeholders indicated that they favoured a Scottish database. The Scottish database will provide data to the UK database.

The benefits of a Scottish database include:

- assisting with deliver of policy objectives in animal health and welfare e.g. disease control

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<sup>1</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R0262&rid=1>

- providing opportunities to strengthen cooperative working with and support for, the Scottish equine sector
- preparation for the EU Animal Health Regulation which is likely to require central recording of the normal place of residency of equines
- Scotland can put in place a permanent database solution and develop Scottish specific governance arrangements.

### **Microchipping older animals**

The new EU Regulation allows for the competent authority, should it consider it necessary, to require that all equines born before 1 July 2009 to be microchipped. Respondents to public Consultation were in favour of microchipping older animals. In order to encourage compliance, this measure will be introduced on 28 March 2021 (2 years after the coming into force date of the SSI). The benefits gained from implementing this option are that:

- it provides full identification and traceability of an equine animal throughout its lifetime
- there is a greater chance of a stolen horse or pony being reunited with its owner
- it will aid enforcement by Local Authorities in dealing with abandonment and ‘fly grazing’
- reduce the risk of food fraud and illegal horse meat entering the human food chain.

### **Smart cards**

A passport must accompany an equine animal at all times. However, the new Regulation permits the movement or transport of equidae accompanied by a ‘smart’ card. Respondents to the public consultation were in favour of using smart cards and Scottish Ministers have adopted this derogation. The smart card does not replace a passport, it is an alternative to the passport that will contain statutory information. The ‘smart’ card will facilitate access to additional information on the SED through a ‘QR’ (Quick Reponse) code.

The use of smart cards is optional for keepers. They will be produced at minimal cost and will provide practical benefits to keepers, owners and enforcement bodies.

### **Fixed penalty notices (FPNs)**

Enforcement of the Horse Passport Regulations is undertaken by Local Authorities. Respondents to the public consultation favoured the use of FPNs, this regulation introduces fixed penalty notices (FPNs) for certain breaches of the legislation

The areas where FPNs will apply relate to movement and transport of equine animals that are not accompanied by their identity document. The use of FPNs will fall short of a criminal prosecution. Scottish Ministers consider that the introduction of FPNs will help drive up compliance.

## **Consultation**

### Public consultation

The Scottish Government consulted on the implementation of revised EU rules on Equine Identification in Scotland, from 22 August 2016 to 3 October 2016<sup>2</sup>. The Consultation aimed to seek views on proposed changes to the current domestic legislation – The Horse Identification (Scotland) Regulations 2009. A total of 22 responses to the Consultation were received; 9 were from individuals, mostly horse owners and 13 were from organisations covering a range of roles within the Equine Industry. A report of the analysis of the results was published on 25 August 2017.<sup>3</sup>

### Stakeholder engagement

The Scottish Equine Stakeholder Group was established in 2014, it meets quarterly and has been kept informed and discussed the revised horse identification regulations. The Group comprised representatives from Scottish PIOs, the British Horse Society (Scotland), Scottish Equine Breeders Association (SEBA), SSPCA, Rare Breed Survival Trust (RBST), World Horse Welfare, Association of British Riding Schools, British Equine Veterinary Association (BEVA), British Equine Federation, Local Authorities and SG officials.

## **Impact Assessments**

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached.

## **Financial Effects**

The impact of this policy on business is that implementation of the new Regulation will not place a significant burden on individuals, businesses and PIOs in the equine sector.

**Scottish Government  
Agriculture and Rural Economy Directorate  
Animal Health - Disease Prevention Team  
5 February 2019**

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<sup>2</sup> <https://beta.gov.scot/publications/consultation-implemenation-revised-eu-rules-equine-identification-scotland/>

<sup>3</sup>

[https://consult.gov.scot/consultation\\_finder/?sort\\_on=iconsultable\\_enddate&sort\\_order=descending&advanced=1&tx=equine&st=closed&au=&in=&de=](https://consult.gov.scot/consultation_finder/?sort_on=iconsultable_enddate&sort_order=descending&advanced=1&tx=equine&st=closed&au=&in=&de=)