



STATUTORY INSTRUMENTS.

**S.I. No. 207 of 2014**



EUROPEAN UNION (IDENTIFICATION OF EQUIDAE)  
REGULATIONS 2014

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S.I. No. 207 of 2014

EUROPEAN UNION (IDENTIFICATION OF EQUIDAE)  
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I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving full effect to Commission Regulation (EC) No. 504/2008 of 6 June 2008<sup>1</sup>, and giving effect to Council Directive No. 90/427/EEC of 26 June 1990<sup>2</sup>, and Commission Decision No. 92/353/EEC of 11 June 1992<sup>3</sup>, hereby make the following regulations:

PART 1

PRELIMINARY AND GENERAL

*Citation*

1. These Regulations may be cited as European Union (Identification of Equidae) Regulations 2014.

*Interpretation*

2. (1) In these Regulations—

“approval” means approval under Regulation 4 or 5;

“authorised officer” means—

- (a) a member of the Garda Síochána,
- (b) an officer of the Revenue Commissioners,
- (c) an authorised officer appointed under section 37 of the Animal Health and Welfare Act 2013 (No. 15 of 2013), or
- (d) a person appointed as an authorised officer under Regulation 24;

“central database” means the central database set up by the Minister in accordance with Article 23 of the Commission Regulation;

“Commission Decision” means Commission Decision No. 92/353/EEC of 11 June 1992<sup>3</sup>;

“Commission Regulation” means Commission Regulation (EC) No. 504/2008 of 6 June 2008<sup>1</sup>;

<sup>1</sup>OJ No. L149, 7.6.2008, p.3

<sup>2</sup>OJ No. L224, 18.8.1990, p.55

<sup>3</sup>OJ No. L192, 11.6.1992, p.63

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 23rd May, 2014.*

“compliance notice” means a notice under Regulation 30;

“database” means a database established and maintained, in accordance with Article 21 of the Commission Regulation, by an issuing body to record information electronically concerning equine animals and identification documents issued by it;

“equidae”, “equine animal”, “keeper”, “transponder” and “unique life number” have the meanings assigned to them, respectively, in Article 2(2) of the Commission Regulation;

“equidae for breeding and production” means equidae which are not entered in a stud-book;

“equine legislation” means the Commission Regulation or these Regulations;

“identification document” means a document issued (in accordance with Article 5 of the Commission Regulation) for the purposes of the Commission Regulation in respect of an equine animal born in the European Union or imported into the State (as referred to in Article 8 of the Commission Regulation) or a duplicate or replacement identification document (in accordance with Articles 16 and 17, respectively, of the Commission Regulation);

“issuing body” means a person approved under Regulation 4 or 5;

“local authority” has the meaning assigned to it in the Local Government Act 2001 (No. 37 of 2001);

“Minister” means Minister for Agriculture, Food and the Marine;

“premises” includes land (including land under water) with or without buildings;

“record” includes a memorandum, book, plan, map, drawing, diagram, pictorial or graphic work or other document, a photograph, film or recording (whether of sound or images or both), any form in which data (within the meaning of the Data Protection Acts 1988 and 2003) are held, any other form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically and anything that is a part or a copy, in any form, of any of the foregoing or is a combination of two or more of the foregoing;

“registered equidae” means equidae which are eligible for entry in and are entered and registered in a stud-book;

“slaughterhouse” includes a food business registered or approved under the European Communities (Food and Feed Hygiene) Regulations 2009 (S.I. No. 432 of 2009);

“stud-book” means a book, register, file or data medium established or maintained by an organisation approved under Regulation 4, or by the competent authority of another Member State in accordance with the Commission

Decision, in which equidae are entered and registered with mention of all their known ascendants;

“vehicle” includes a railway wagon or trailer, designed for use or used with a vehicle, or container designed or used for carriage on a vehicle, whether either is attached to or detached from a vehicle;

“vessel” includes a boat, a ship, a hovercraft or an aircraft or a container designed or used for carriage on a vessel (whether attached to or detached from the vessel);

“veterinary practitioner” means a person registered under Part 4 of the Veterinary Practice Act 2005 (No. 22 of 2005).

(2) A word or expression which is used in these Regulations and is also used in the Commission Regulation or the Commission Decision has, unless the contrary intention is shown, the same meaning in these Regulations as it has in the Commission Regulation or the Commission Decision, as the case may be.

#### *Revocations*

3. The following are revoked:

- (a) Regulations 3, 4(1)(a) and (b), (2)(a) and (b), (3)(a), 5, 6, 7, 8, 10, 11, 12 and 31 and, in respect of any matter to which these Regulations apply, Regulations 21, 22, 23, 25 and 27 of the European Communities (Equine) Regulations 2011 (S.I. No. 357 of 2011),
- (b) paragraphs (b), (e), (j) and (k) of Regulation 2 of the European Communities (Equine) (Amendment) Regulations 2012 (S.I. No. 371 of 2012), and
- (c) the European Communities (Equine) (Amendment) Regulations 2013 (S.I. No. 69 of 2013).

## PART 2

### ISSUING BODIES

#### *Approval — stud-books*

4. (1) The Minister may grant an approval to a person—

- (a) to establish and maintain a stud-book for the purposes of the Commission Decision where the person meets the standards laid down in the Annex to the Commission Decision, and
- (b) to issue an identification document for registered equidae in accordance with the Commission Regulation.

(2) An application for approval under paragraph (1) shall be in such form and contain such information as the Minister may require.

(3) A person who purports to establish or maintain a stud-book or issue an identification document for registered equidae without holding an approval under this Regulation commits an offence.

*Approval — identification documents for equidae for breeding and production*

5. (1) The Minister may grant an approval to a person for the purpose of issuing identification documents for equidae for breeding and production in accordance with the Commission Regulation.

(2) The holder of an approval under paragraph (1) is designated for the purposes of Article 4(3) of the Commission Regulation.

(3) An application for an approval under paragraph (1) shall be in such form and contain such information as the Minister may require.

(4) A person who purports to issue an identification document for equidae for breeding and production without holding an approval under this Regulation commits an offence.

*Applications for approval*

6. (1) An application for approval shall be accompanied by—

- (a) such fee to cover administrative costs as the Minister may determine, and
- (b) such information as the Minister may reasonably require to consider the application.

(2) The Minister may refuse an application for approval—

- (a) if, in his or her opinion, equine legislation has not or is not likely to be complied with by the applicant,
- (b) where the applicant has been convicted of an offence under equine legislation or the Criminal Justice (Theft and Fraud) Offences Act 2001 (No. 50 of 2001), within the period of 5 years prior to the making of the application, or
- (c) in accordance with Article 2(2) of the Commission Decision.

(3) Where the Minister is considering refusing an application for an approval, the Minister shall notify the applicant of the reasons for the proposed refusal and afford the applicant an opportunity to make written representations to the Minister not later than 14 days from the date of issue of the notification.

(4) The Minister shall notify the applicant of his or her decision. If the decision is to refuse the application, the Minister in the notification shall inform the applicant of his or her right to appeal the decision under Regulation 9.



*Withdrawal or suspension of approval*

7. (1) Where the Minister considers that the holder of an approval is not complying with equine legislation or the Commission Decision, he or she may, subject to paragraph (3), by notice, withdraw or suspend for such period as he or she decides, the approval.

(2) Where the holder of an approval is convicted of an offence under equine legislation, the Minister may, subject to paragraph (3), by notice withdraw the approval.

(3) The Minister shall, unless he or she considers the circumstances warrant otherwise, before the withdrawal or suspension of an approval, notify the holder of the reasons for the proposed withdrawal or suspension and allow the holder to make representations in writing to him or her not later than 14 days from the date of service of the notification.

(4) Where the Minister, having considered any representation made to him or her under paragraph (3), decides to withdraw or suspend an approval, he or she shall notify the holder of the decision and inform the holder of his or her right to appeal the decision under Regulation 9.

(5) Subject to Regulation 9(2), where an approval is withdrawn or suspended, the holder, where requested by the Minister, shall not later than 21 days following the notification of the withdrawal or suspension, give to the Minister all documents, stud-books and databases connected with the issuing of identification documents under the Commission Regulation to which the approval relates.

(6) A person who fails to comply with paragraph (5) commits an offence and is liable on summary conviction to a class B fine.

*Prohibition on maintaining a stud-book and issuing identification documents while approval is withdrawn or suspended*

8. (1) A person shall not—

- (a) maintain a stud-book or issue an identification document for registered equidae where approval under Regulation 4, or
- (b) issue an identification document for equidae for production and breeding where approval under Regulation 5,

held by the person is withdrawn or suspended.

(2) A person who contravenes this Regulation commits an offence.

(3) The Minister may publish details of persons who have had an approval withdrawn or suspended under Regulation 7.

(4) A person, who has had an approval held by him or her withdrawn or suspended, shall not, while the approval is withdrawn or suspended, offer, advertise or engage in the provision of services relating to the approval.

*Appeal*

9. (1) A person aggrieved by a decision of the Minister to refuse him or her an application for an approval or to withdraw or suspend an approval may, not later than 14 days following the decision, appeal the decision to a judge of the District Court within whose district he or she carries, or intends to carry, on the business of issuing identification documents or maintaining a stud-book.

(2) Where a person makes an appeal in relation to the withdrawal or suspension of an approval, he or she may make an application to a judge of the District Court within whose district the appeal is made that the withdrawal or suspension stands suspended until the appeal is determined or withdrawn.

(3) The judge may, on the hearing of an appeal, confirm the decision or allow the appeal, with or without modification.

(4) The decision of the District Court is final other than an appeal from the decision on a specified point of law to the High Court.

(5) In this Regulation “appeal” (other than in paragraph (4)) means an appeal under paragraph (1).

*Saver — approvals*

10. Notwithstanding the revocation effected by Regulation 3, approvals granted under Regulation 4(2)(a) in relation to establishing and maintaining stud-books and the issuing of identification documents for registered equidae, and Regulation 4(2)(b) in relation to the issuing of identification documents for equidae for production and breeding, of the European Communities (Equine) Regulations 2011 (S.I. No. 357 of 2011) which are in force immediately before the making of these Regulations continue in force until their expiry and are deemed to have been, in the case of approvals—

- (a) in relation to establishing and maintaining stud-books, granted under Regulation 4(1)(a) of these Regulations, and
- (b) in relation to issuing passports, granted under Regulations 4(1)(b) and 5(1) of these Regulations.

## PART 3

## COMPLIANCE REQUIREMENTS

*Issuing bodies**Requirement of issuing body to comply with the Commission Regulation*

11. An issuing body that fails to act in accordance with the requirements made of an issuing body under the Commission Regulation commits an offence.

*Requirement to indicate equidae as not fit for human consumption*

12. (1) Where an equine animal is first identified after the dates set down in Article 5(6) of the Commission Regulation, the issuing body shall issue a replacement identification document in respect of the animal in accordance with

Article 17 of the Commission Regulation and shall classify the equine animal in Part II of Section IX of the identification document as not intended for slaughter for human consumption.

(2) Where an issuing body issues an identification document in respect of an equine animal in accordance with Article 16 or 17 of the Commission Regulation, it shall, if a declaration is not already made in Part II of Section IX of the identification document in accordance with Article 20(2) of the Commission Regulation, classify the animal as not intended for slaughter for human consumption in accordance with the Article concerned.

(3) An issuing body that fails to comply with this Regulation commits an offence and is liable on summary conviction to a class A fine.

*Furnishing of information held on database of issuing body and compliance with Articles 21 and 23*

13. (1) An issuing body shall immediately furnish to the Minister—

(a) the information in points (a) to (f) and (n) of Article 21(1) of the Commission Regulation, and

(b) any other information the Minister may require,

for the purpose of including the information in the central database.

(2) An issuing body that fails to furnish information in accordance with paragraph (1) commits an offence.

(3) An issuing body that fails to—

(a) record information required under paragraph (1), or

(b) retain information required under paragraph (2),

of Article 21 of the Commission Regulation commits an offence.

*Keepers*

*Prohibition on keeping unidentified equidae*

14. A person who keeps an equine animal which is not identified in accordance with the Commission Regulation commits an offence and is liable on summary conviction to a class A fine.

*Requirement to apply for registration of equidae and prohibition on giving incorrect information with application*

15. (1) The keeper of an equine animal who fails to comply with the requirements made of him or her under Article 8 (which relates to the identification of imported equidae) of the Commission Regulation commits an offence and is liable on summary conviction to a class A fine.

(2) A person who, on making an application for an identification document or the registration of an existing identification document in the database of an

issuing body, provides information or makes a statement with respect to the application which is false or materially misleading commits an offence.

(3) In paragraph (2) a reference to a person making an application includes a reference to a veterinary practitioner providing information or making a statement in the application on behalf of the keeper of the equine animal to whom the application relates.

### *Movement*

#### *Requirement to comply with Chapter IV of the Commission Regulation on moving equidae*

16. A person who, in moving or transporting an equine animal, fails to comply with Chapter IV of the Commission Regulation commits an offence.

#### *Prohibition on moving equidae where movement is suspended under Commission Regulation*

17. A person who moves an equine animal where movement of the animal is suspended in accordance with Article 18 of the Commission Regulation commits an offence.

#### *Movement of registered equidae*

18. (1) Equidae registered in a stud-book in the State shall not be moved out of the State and equidae registered in a stud-book in another Member State may not be brought into the State unless the requirements of Article 6 of Council Directive No. 90/427/EEC of 26 June 1990<sup>2</sup> regarding registration in the appropriate stud-book of the other Member State or the State, as the case may be, are complied with.

(2) A person who fails to comply with this Regulation commits an offence.

### *Slaughterhouses*

#### *Prohibition on slaughterhouse slaughtering equidae for human consumption which are not intended for such*

19. (1) A person in charge of a slaughterhouse shall not—

- (a) accept an equine animal for slaughter for human consumption unless the animal—
  - (i) is accompanied by the identification document which was issued in respect of the animal within the dates set down in Article 5(6) of the Commission Regulation,
  - (ii) is implanted with a transponder bearing a unique life number, if so required, in accordance with the Commission Regulation, and
  - (iii) is intended for slaughter for human consumption, or

- (b) slaughter an equine animal for human consumption if Part II of Section IX of the identification document relating to the animal contains a declaration that the animal is not intended for slaughter for human consumption, the 6 month general withdrawal period specified in Part III of Section IX of the identification document has not expired, or if he or she has reason to suspect that—
- (i) Part II of Section IX of the identification document relating to the animal should have contained a declaration that the animal is not intended for slaughter for human consumption,
  - (ii) a declaration referred to in clause (i) has been erased or tampered with,
  - (iii) the identification document presented is a duplicate or replacement document issued in accordance with Article 16 or 17 of the Commission Regulation, or
  - (iv) any transponder implanted into the animal—
    - (I) does not relate to its identification document or has been tampered with or altered, or
    - (II) does not bear a unique life number.

(2) A person in charge of a slaughterhouse who fails to comply with this Regulation commits an offence.

(3) This Regulation does not apply to an animal to be slaughtered which is not intended for human consumption and the carcass of which is not, after slaughter, made available for human consumption and is destroyed.

#### *Death of equidae*

##### *Requirement on death of equidae*

20. (1) Where an equine animal—

- (a) is slaughtered in a slaughterhouse, the person in charge of the slaughterhouse, or
- (b) dies elsewhere, its keeper,

shall comply with the requirements of Article 19 of the Commission Regulation.

(2) An operator in charge of a premises registered or approved under the European Union (Animal By-Products) Regulations 2014 (S.I. No. 187 of 2014) shall comply with the requirements of Article 19 of the Commission Regulation.

(3) A person who fails to comply with this Regulation commits an offence and is liable on summary conviction to a class A fine.

*Transponders**Official veterinarian*

21. An authorised officer who is a veterinary practitioner is an official veterinarian for the purposes of the Commission Regulation.

*Transponders — designation and implantation*

22. (1) A transponder implanted into an equine animal shall bear a unique life number.

(2) An issuing body shall ensure that a transponder implanted into an equine animal in accordance with Article 11 of the Commission Regulation bears a unique life number.

(3) An issuing body that fails to comply with paragraph (2) commits an offence and is liable on summary conviction to a class A fine.

(4) Veterinary practitioners are designated for the purposes of Article 11 of the Commission Regulation to implant transponders into equine animals.

(5) Where a veterinary practitioner implants a transponder into an equine animal he or she shall implant the animal in accordance with paragraph (2) of Article 11 of the Commission Regulation.

(6) A veterinary practitioner who fails to comply with paragraph (5) commits an offence and is liable on summary conviction to a class A fine.

(7) A person who is not a veterinary practitioner and who—

(a) implants or attempts to implant an equine animal with a transponder or a device which purports to be a transponder,

(b) removes or attempts to remove a transponder from an equine animal, or

(c) tampers with or otherwise alters a transponder with intent to deceive,

commits an offence.

(8) A veterinary practitioner who—

(a) implants or attempts to implant an equine animal with a device which purports to be a transponder, or

(b) tampers with or otherwise alters a transponder with intent to deceive,

commits an offence.

*Veterinary practitioners*

*Obligations of veterinary practitioners*

23. (1) A veterinary practitioner who fails to comply with the requirements of a veterinarian practitioner under Article 20 of the Commission Regulation commits an offence and is liable on summary conviction to a class A fine.

(2) The references in Article 20 of the Commission Regulation to Articles 6(3), 10(2) and (3) and 11(4) of Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001<sup>4</sup> are to be read as references to Regulations 9(12)(b), 18(3)(b) and (4)(e) and 18(3)(d) respectively, of the European Communities (Animal Remedies) (No. 2) Regulations 2007 (S.I. No. 786 of 2007).

PART 4

ENFORCEMENT

*Authorised officers*

*Appointment*

24. (1) The Minister may appoint in writing persons to be authorised officers to enforce equine legislation and the Commission Decision.

(2) The manager of a local authority may appoint in writing persons to be authorised officers to enforce equine legislation and the Commission Decision within the functional area of that authority or such other local authority with which it has entered into an agreement.

(3) A person appointed as an authorised officer under these Regulations shall be furnished with a warrant of his or her appointment and shall, if requested by any person affected, produce to the person the warrant.

(4) A person appointed as an authorised officer under the European Communities (Equine) Regulations 2011 (S.I. No. 357 of 2011) who is such an officer immediately upon the revocation of those Regulations continues to be an authorised officer under this Regulation.

*Search of premises*

*Powers*

25. (1) For the purposes of enforcing equine legislation and the Commission Decision, an authorised officer may—

- (a) enter and inspect, at all reasonable times, any land, premises or vehicle where he or she has reasonable grounds for believing an issuing body carries out business, stud-books are maintained, identification documents are kept or issued, transponders are supplied or implanted or equidae are kept or transported,

<sup>4</sup>OJ No. L 311, 28.11.2001, p. 1

- (b) require the production to the officer for inspection of any identification document, documentation or records (and in the case of information or records stored in non-legible form, the production to him or her of a copy in legible form) or stud-books relating to an equine animal or information relating to an equine animal held on a database, and inspect such and take any copies of such,
  - (c) examine any equine animals and any transponders found implanted into such animals,
  - (d) examine any transponders or identification documents found there,
  - (e) require the name and address of any person in charge or in possession of identification documents, documentation, records or stud-books, or in control of equine animals,
  - (f) if he or she considers it necessary, remove any equine animals or documents, stud-books, records or database for further inspection to another place and retain them for as long as is necessary,
  - (g) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form), document or extracts from the record or document that the officer finds or is produced to him or her during an inspection,
  - (h) take photographs or video recordings, and
    - (i) take, without making a payment, samples from, for the exercise of his or her powers, an equine animal or any article he or she may reasonably require, and carry out or cause to be carried out, on the samples such tests, analyses, examinations or inspections as he or she considers necessary or expedient, and mark or otherwise identify the sample.
- (2) Where an authorised officer has reasonable grounds for believing that—
- (a) there is a risk to public health,
  - (b) an offence is being, or has been, committed under these Regulations,
  - (c) evidence of an offence to which paragraph (b) relates may be, is or has been on any premises, vehicle or vessel,

the officer may, in addition to the powers exercisable by him or her under paragraph (1)—

- (i) search the premises,
- (ii) search a vehicle, vessel (which he or she may board) or other thing used in connection with an equine animal, transponder, database, identification document or stud-book,



- (iii) require a person in charge or control of the vehicle, vessel or other thing used in connection with an equine animal, transponder, database, identification document or stud-book to—
  - (I) refrain from moving it or move it to a location where it may be searched or examined as instructed by an authorised officer, and
  - (II) give information regarding its ownership, place of departure, journey or destination,
- (iv) require the owner or person in possession or control of any premises, vehicle, vessel or other thing used in connection with an equine animal, transponder, database, identification document or stud-book, to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,
- (v) seize, detain and, if necessary, dispose of an equine animal, transponder, database or identification document or record connected with such and mark or otherwise identify it,
- (vi) detain any vehicle or vessel for such period as is reasonably necessary for the purposes of permitting an inspection or a search under equine legislation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires,
- (vii) remove any other thing used in connection with an equine animal, transponder, database, identification document, documents or stud-books or records connected with such and detain it for such period as is reasonably necessary for the purpose of his or her functions under these Regulations.

(3) An authorised officer shall not enter—

- (a) except with the consent of the occupier, a private dwelling, or
- (b) except with the consent of the person in charge of the premises, a premises for the purposes of paragraph (2)(b) or (c),

unless he or she has obtained a search warrant under Regulation 27 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling or premises any evidence referred to in paragraph (2)(c) is being or is likely to be disposed of or destroyed.

(4) A person who tampers with a sample taken under paragraph (1)(i) commits an offence and is liable on summary conviction to a class A fine.

*Inspection of identification documents and examination of equine animals*

(5) An authorised officer may require of any person who appears to the officer to be in charge or in possession of an equine animal the production to the officer for inspection by him or her of the identification document relating to the animal.

(6) An authorised officer may examine any equine animal found in a public place to see if it is implanted with a transponder in accordance with Article 11 of the Commission Regulation.

*Seizure*

(7) Where a person fails, upon a requirement under this Regulation, to produce to an authorised officer an identification document relating to an equine animal, the officer may seize and detain the animal.

(8) In the event that the identification document referred to in paragraph (7) is not produced to the officer within 5 days of the detention of the animal, the officer may dispose of the equine animal (including having it destroyed).

(9) Where an authorised officer upon—

- (a) inspection of a document presented to him or her under paragraph (1)(b) or (5) which purports to be an identification document, suspects it does not contain the information required by the Commission Regulation or has been forged or tampered with or otherwise altered with intent to deceive, or
- (b) examination of an animal under paragraph (1)(c) or (6) finds or suspects the animal—
  - (i) is not implanted with a transponder in accordance with Article 11 of the Commission Regulation, or
  - (ii) is implanted with a transponder—
    - (I) that does not bear a unique life number, or
    - (II) which has been forged or tampered with or otherwise altered with intent to deceive,

the officer may seize and detain the document and the equine animal, as the case may be, until the conclusion of any proceedings, it is shown to be a valid identification document or the equine animal is identified in accordance with Article 11 of the Commission Regulation.

(10) In the event that the document referred to in paragraph (9)(a) or transponder referred to in paragraph (9)(b)(i) does not comply with equine legislation or has been forged or tampered with or otherwise altered with intent to deceive or the equine animal is not identified in accordance with Article 11 of

the Commission Regulation, an authorised officer may, subject to paragraph (14), dispose of the animal (including having it destroyed).

(11) Where an authorised officer having examined an equine animal under this Regulation finds that the animal—

- (a) is not accompanied by an identification document issued in respect of the animal,
- (b) is accompanied by a document purporting to be an identification document issued in respect of it, but the document does not relate to the animal or has been tampered with or otherwise altered with intent to deceive,
- (c) is not implanted with a transponder, if required, in accordance with the Commission Regulation,
- (d) is implanted with a transponder, and the transponder—
  - (i) appears to be false or to have been tampered with or otherwise altered with intent to deceive or is not in compliance with Article 11 of the Commission Regulation, or
  - (ii) does not bear a unique life number,
 or
- (e) bears scars or clinical signs indicating that a transponder had previously been implanted in the animal and has been removed,

the officer may seize and detain the animal and, subject to paragraph (14), dispose of it (including having it destroyed) not earlier than 5 days following its detention.

(12) Where, in the course of exercising a function under this Regulation, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(13) Where an equine animal is seized under paragraph (2)(v), (9) or (11) or removed under paragraph (1)(f) and no person appears to be in control of the animal or its owner cannot reasonably be ascertained, the authorised officer seizing the animal may affix a notice in a conspicuous place where the animal is seized or in the Garda station in whose district the animal is seized giving a description of the animal and where it is detained.

(14) A person who claims an interest in an equine animal or other thing seized under this Regulation may, not later than 5 days after the seizure and detention of the animal or thing, apply to the judge of the District Court within whose

district the seizure was effected for an order directing the return of the animal or thing.

(15) The judge shall upon the hearing of an application under paragraph (14)—

- (a) if satisfied that the seizure and detention of the equine animal or thing was properly carried out, confirm the seizure and detention, or
- (b) if not satisfied in accordance with paragraph (a), order the return to the person claiming an interest in it of the animal or thing seized.

(16) A judge of the District Court may adjourn an application under paragraph (14) if he or she considers it appropriate, until any prosecution brought for an offence under these Regulations relating to the equine animal or thing seized has been determined or withdrawn.

(17) The costs of the detention or disposal of an equine animal seized under this Regulation shall be borne by its keeper or such other person who appears to an authorised officer to be responsible for the animal, subject to any decision otherwise of a judge of the District Court under an application under paragraph (14).

*Requirement to give information regarding identification, ownership and movement of equine animals*

(18) An authorised officer may, personally or by notice, require a person to give to an authorised officer such information as is in the person's knowledge or procurement regarding—

- (a) identification of equine animals (including identification documents, transponders and databases) and stud-books,
- (b) the identity of the owner of equine animals,
- (c) the movement of equine animals, and
- (d) the ownership and identity of premises where equine animals are kept or slaughtered or any vehicle or vessel used in the movement of equine animals.

*Ancillary powers*

(19) An authorised officer, when exercising a function under this Regulation, may be accompanied by other persons and the officer and those other persons may take with them, any equipment or materials to assist the officer in the exercise of his or her functions under this Regulation.

(20) An authorised officer may use reasonable force, if necessary, to exercise his or her functions under these Regulations.

(21) Nothing in section 17 of the Industrial and Provident Societies Act 1893 (56 & 57 Vict. c.39) prevents an authorised officer from exercising a function conferred on him or her by these Regulations.

*Requirement to give assistance to an authorised officer*

26. (1) The owner or person in charge of any premises used in connection with an equine animal, transponder, database, identification document, stud-book or record or other thing used in connection with such shall, where it is practicable and possible, if required by an authorised officer, provide suitable equipment or facilities for the officer to carry out his or her functions under Regulation 25.

(2) A person who has—

- (a) an equine animal or transponder, database, identification document, stud-book or other thing used in connection with an equine animal, in his or her possession, or
- (b) a vehicle or vessel used in connection with any of them under his or her control, or
- (c) information or a record relating to any of them,

shall give such—

- (i) assistance to an authorised officer or a person who accompanies the officer, or
- (ii) information to an authorised officer,

on request being made, in that behalf by the officer, as the officer may reasonably require for the exercise of his or her functions under Regulation 25.

*Search warrant*

27. (1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for suspecting that—

- (a) evidence of or relating to the commission or intended commission of an offence under these Regulations is to be found on a premises,
- (b) there is or was an equine animal or equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with an equine animal on a premises, or
- (c) an identification document, a transponder, database, stud-book, or record relating to such is or may be on a premises,

the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time,

within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter (if necessary by use of reasonable force) the premises named in the warrant.

(3) If a premises is entered pursuant to a warrant issued under this Regulation, an authorised officer so entering may exercise all or any of the functions conferred on an authorised officer under these Regulations.

*Obstruction, etc. of an authorised officer*

28. (1) A person who—

- (a) obstructs, interferes with or impedes an authorised officer or any person who accompanies an authorised officer, in the course of exercising a function conferred on an authorised officer under Regulation 25,
- (b) fails or refuses, without reasonable excuse, to comply with a request or requirement of an authorised officer under Regulation 25 or 26,
- (c) in—
  - (i) making an application for approval to the Minister or to an issuing body for an identification document, or
  - (ii) purporting to give information to an authorised officer under these Regulations,

makes a statement that he or she knows to be false or misleading in a material particular or recklessly makes a statement which is false or misleading in a material particular, or fails to disclose a material particular,

or

- (d) fails, without reasonable excuse, to comply with a requirement under Regulation 26(1) of, or to give assistance or requested information under Regulation 26(2) to, an authorised officer,

commits an offence and is liable on summary conviction to a class A fine.

(2) A statement or admission made by a person pursuant to a requirement under Regulation 25(2)(iii)(II) is inadmissible as evidence in proceedings brought against that person for an offence (other than an offence under this Regulation for failing to give information or false or misleading information) under these Regulations.

*Powers of members of the Garda Síochána and officers of the Revenue Commissioners — searching and stopping vehicles*

29. (1) Where a member of the Garda Síochána or an officer of the Revenue Commissioners has reasonable grounds for believing that there is evidence on a person or in a vehicle or vessel of an offence committed under these Regulations the member or officer may without warrant—

- (a) search or cause to be searched the person and, if the member or officer considers it necessary, detain the person for such time as is reasonably necessary to carry out the search,
- (b) search or cause to be searched a vehicle or vessel in which the member or officer suspects that evidence in relation to an offence committed under these Regulations may be found and for the purpose of carrying out the search, if the member or officer thinks fit, require the person who is in charge or control of the vehicle or vessel to bring it to a stop and when stopped to refrain from moving it or, where the vehicle or vessel is already stationary, to refrain from moving it, or
- (c) seize and detain or cause to be seized and detained anything found in the course of a search under this Regulation which any such member or officer reasonably suspects to be something which might be required as evidence in proceedings for such an offence.

(2) Where a member of the Garda Síochána or an officer of the Revenue Commissioners decides to search or cause to be searched a person under paragraph (1), the member or officer may require the person to accompany that member or officer to a Garda Síochána station or a Revenue Commissioners' office for the purpose of being so searched at that station or office.

(3) A member of the Garda Síochána or an officer of the Revenue Commissioners may stop a vehicle or vessel, for the purposes of these Regulations, and may require it to be moved for inspection to such place as he or she directs.

(4) Nothing in these Regulations operates to prejudice any power to search or to stop, or to seize or detain property, which may, apart from these Regulations, be exercised by a member of the Garda Síochána or an officer of the Revenue Commissioners.

(5) A person who obstructs or impedes a member of the Garda Síochána or an officer of the Revenue Commissioners in the exercise of a power under this Regulation commits an offence and is liable on summary conviction to a class A fine.

#### *Compliance notice*

##### *Compliance notice*

30. (1) Where an authorised officer is of the opinion that a contravention of, or failure

to comply with, equine legislation, the Commission Decision or the conditions of an approval may have taken, or be taking, place, the officer may serve a notice (“compliance notice”) stating that opinion on the person—

- (a) who appears to be the owner, occupier, or person in charge of the premises to which the notice relates, or

(b) in possession or control of an equine animal, identification document, database, record, transponder or other thing to which the notice relates.

(2) A compliance notice shall—

(a) require the person on whom it is served to take such action as is specified in the notice,

(b) inform the person on whom it is served that he or she may appeal the notice in the District Court under Regulation 31, and

(c) state that if the person on whom it is served fails to comply with the notice, he or she commits an offence and is liable to a penalty set out in Regulation 40.

(3) A compliance notice may—

(a) require that an equine animal be detained, disposed of or destroyed in a manner and at a place (if any) specified in the notice,

(b) prohibit or restrict any activity specified in the notice, including prohibiting or restricting entry onto the premises specified in the notice,

(c) prohibit the transport or further transport of an equine animal entirely or unless such conditions, as may be specified in the notice, are complied with,

(d) require the person to give to an authorised officer any documents, records or database relating to an approval granted under equine legislation or the Commission Decision or approval or registration granted under—

(i) the European Communities (Food and Feed Hygiene) Regulations 2009 (S.I. No. 432 of 2009), or

(ii) the European Union (Animal By-Products) Regulations 2014 (S.I. No. 187 of 2014),

and

(e) require a person to cease issuing identification documents or maintaining a stud-book or both.

(4) A person on whom a compliance notice is served shall comply with it unless it is withdrawn or annulled under Regulation 31, and shall not cause or permit another person to contravene the terms of the notice.

(5) A compliance notice may specify a time limit within which it is to be complied with.



(6) A compliance notice may be modified or withdrawn in a further notice and the earlier notice has effect subject to such modification or withdrawal.

(7) A compliance notice may require the owner, occupier or person in charge of any premises, equine animal or other thing to which equine legislation relates, to choose between two or more requirements specified in the notice.

(8) A compliance notice shall include an address for service of an appeal under Regulation 31.

(9) A person on whom a compliance notice is served who fails to comply with, or causes or permits another person to contravene the notice, commits an offence.

*Appeal against compliance notice*

31. (1) A person on whom a compliance notice is served may, not later than 7 days from the date of service of the notice, appeal to the judge of the District Court having jurisdiction in the District Court district—

(a) where an equine animal, the subject of the notice, is situated, or

(b) where the person bringing the appeal ordinarily resides or carries on business,

on the grounds that the compliance notice is unreasonable having regard to equine legislation or the conditions of the approval concerned or, if the compliance notice relates to an equine animal, on the grounds that he or she is not the keeper of the animal.

(2) Notice of an appeal shall contain a statement of the grounds upon which it is alleged that the compliance notice is unreasonable having regard to equine legislation or the conditions of the approval concerned, as the case may be, and shall be served on the authorised officer who served the notice at the address included on the notice in accordance with Regulation 30(8) not later than 48 hours prior to the hearing of the appeal.

(3) A person bringing an appeal shall lodge a copy of the notice of appeal with the District Court clerk concerned not later than 48 hours prior to the hearing of the appeal.

(4) A compliance notice in respect of which an appeal is brought under this Regulation shall have effect pending the decision of the Court under paragraph (5).

(5) On the hearing of an appeal the judge of the District Court may confirm, modify or annul the compliance notice.

(6) A person, including a person on whom the compliance notice has been served, shall not—

- (a) pending the determination of the appeal of the notice, deal with an equine animal, other than in accordance with the terms of the notice, or
  - (b) if the notice is confirmed or modified on appeal, deal with an equine animal, other than in accordance with the terms of the notice as confirmed or modified.
- (7) A person who fails to comply with paragraph (6) commits an offence.
- (8) In this Regulation “appeal” means an appeal under paragraph (1).

*Seizure and detention for non-compliance with compliance notice*

32. (1) Without prejudice to an appeal under Regulation 31, where—

- (a) a person in possession or control of an equine animal fails to comply with the terms of a compliance notice within the time specified in the notice, or
- (b) an authorised officer has reasonable grounds for believing that a compliance notice is not being, or is likely not to be, complied with,

an authorised officer may at any time seize and detain the equine animal referred to in paragraph (a).

(2) Where an equine animal is seized and detained in accordance with paragraph (1)—

- (a) in the event of an appeal under Regulation 31 not being made within the period allowed under that Regulation to make an appeal, after that period, or
- (b) in the event of such an appeal being made and the appeal is not successful, after the confirmation by the court of the notice—

an authorised officer may—

- (i) sell, destroy or dispose of an equine animal or cause it to be sold, destroyed or be disposed of, or
- (ii) take such other measures in relation to the equine animal, as the authorised officer considers appropriate in the circumstances.

(3) Any profits arising out of the sale, destruction or disposal of an equine animal in accordance with paragraph (2) shall be paid to the owner of the equine animal less any expenses incurred in connection with the seizure, sale, destruction or disposal.

(4) The costs (including ancillary costs) of a measure taken under this Regulation are recoverable by the Minister or the local authority in whose functional area the animal is detained, as appropriate, as a simple contract debt in a court

of competent jurisdiction from the person who was the keeper of the equine animal at the time the measure was carried out.

## PART 5

### DOCUMENTS

#### *Forgery*

##### *Forgery and tampering with identification documents, etc*

33. (1) In this Regulation “document to which this Regulation applies” means an approval under these Regulations or identification document or application for such or a stud-book, database or record relating to any of the aforesaid.

(2) A person shall not enter on a document to which this Regulation applies a particular which he or she knows to be false or misleading.

(3) A person shall not forge or, with intent to deceive or defraud, tamper with or otherwise alter—

(a) a document to which this Regulation applies, or

(b) a transponder implanted into, or intended to be implanted into, an equine animal.

(4) A person shall not have, without lawful authority (the proof of which lies on him or her) in his or her possession or under his or her control a document to which this Regulation applies or a transponder which he or she knows has been forged or has, with intent to deceive or defraud, been tampered with or otherwise altered.

(5) A person who contravenes this Regulation commits an offence and is liable—

(a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 3 months, or both, or

(b) on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 2 years, or both.

#### *Identification documents (passports)*

##### *Withdrawal of invalid identification documents*

34. (1) Where the Minister is of the opinion that identification documents issued by an issuing body do not comply with the requirements of Article 5 of the Commission Regulation the documents are void and of no effect and, unless the contrary is shown, and the Minister may by informing (which may be by notice published on the website of the Department of Agriculture, Food and the Marine or in a newspaper published in, and circulating in, the State) holders

of such documents require that any such holder returns the identification document he or she holds to the Minister at the address specified in the notice within the period specified in the notice.

(2) A person who fails to comply with a requirement of a notice under paragraph (1) commits an offence and is liable on summary conviction to a class C fine.

*Re- issue of identification document and further implantations of transponders*

35. (1) Where the Minister considers that—

- (a) an identification document issued in respect of an equine animal does not comply with the requirements of Article 5 of the Commission Regulation or has been unlawfully altered, the document is void and of no effect and the Minister may by notice require an issuing body (which may be an issuing body other than the issuing body that issued the identification document) to issue an identification document in respect of the animal, or
- (b) a transponder which has been implanted into an equine animal has not been implanted into the animal in accordance with paragraph (1) and (2) of Article 11 of the Commission Regulation, does not bear a unique life number or does not comply with the standard or capability required by the Commission Regulation, the transponder is of no effect, and the Minister may by notice require an issuing body to ensure that another transponder which bears a unique life number and complies with the standards and capabilities required by the Commission Regulation is implanted into the animal in accordance with paragraphs (1) and (2) of Article 11, and, if appropriate, to cause the removal of the first transponder from the animal, but only if this does not cause unnecessary suffering to the animal.

(2) An identification document issued in accordance with this Regulation is not to be considered a duplicate or replacement but to have been issued for the purpose of Article 5 of the Commission Regulation.

*Prohibition on holding more than one identification document in respect of equidae*

36. (1) A person shall not, where an identification document has been duly issued under the Commission Regulation in respect of an equine animal—

- (a) apply to the issuing body which issued the document for another identification document, in respect of the animal, other than in accordance with Article 16 or 17 of the Commission Regulation or Regulation 35,
- (b) hold another identification document in respect of the animal, or
- (c) retain the identification document without lawful reason.

(2) A person who contravenes this Regulation commits an offence and is liable on summary conviction to a class A fine.

*Prohibition on possession of identification document by person other than keeper, etc*

37. (1) A person, other than the keeper or owner of an equine animal or a person who is in possession or charge of an equine animal being moved or transported for the purposes of Chapter IV of the Commission Regulation, shall not, other than with the consent of an authorised officer, have in his or her possession an identification document issued in respect of the animal.

(2) A person who contravenes this Regulation commits an offence and is liable on summary conviction to a class A fine.

## PART 6

### PROCEEDINGS

*Offence — body corporate*

38. (1) Where an offence under these Regulations is committed by a body corporate and is proven to have been so committed with the consent, connivance or approval of or to have been attributable to the wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, commits an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

*Summary proceedings*

39. An offence under these Regulations may be prosecuted summarily by the Minister or the local authority in whose functional area the offence is alleged to have been committed.

*Penalties — summary/indictable offences*

40. A person who commits an offence under these Regulations (other than an offence under Regulation 33(5) or an offence which may only be prosecuted summarily) is liable—

(a) on summary conviction, to a class A fine, or

(b) on conviction on indictment, to a fine not exceeding €250,000.

*Arrest without warrant*

41. (1) Where a person is seen or found committing or is reasonably suspected of being engaged in committing or having committed an offence under these Regulations (other than an offence (except under Regulation 29(5)), which

may only be prosecuted summarily), a member of the Garda Síochána may arrest the person without warrant.

(2) Where a person is arrested by a member of the Garda Síochána under paragraph (1), the person shall be taken by the member to a Garda Síochána station and may be detained there or arrested and detained there in accordance with section 4 of the Criminal Justice Act 1984 (No. 22 of 1984) and, accordingly, the reference in subsection (2) (inserted by section 9 of the Criminal Justice Act 2006 (No. 26 of 2006)) of that section to “an offence to which this section applies” is to be read as including a reference to an offence under the provision of these Regulations concerned.

#### *Costs*

42. Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the prosecutor the costs and expenses, measured by the court, incurred by the prosecutor or other person in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking of samples and the carrying out of tests, examinations and analyses.

#### *Persons not of full age*

43. A person, being of full age, who has actual care and control of a person who is—

- (a) under the age of 16 years, and
- (b) the apparent keeper or person in possession or control of an equine animal,

is, for the purposes of these Regulations, regarded as keeping, owning, possessing or being in control of the animal.

## PART 7

### NOTICES

#### *Notices and notifications*

44. (1) Without prejudice to Regulation 25(13), a notice (including a compliance notice) or notification under these Regulations shall be addressed to the person concerned by name and may be served on or given to the person—

- (a) by giving a copy to the person, his or her employee, servant or agent, or in the case of a partnership, by delivery of a copy to any of the partners,
- (b) by leaving a copy at the address at which the person ordinarily resides, where he or she carries on business, or, where an address for service of notices or notifications has been furnished by the person to the Minister, at that address,

- (c) by sending a copy by post in a prepaid registered envelope to the address at which the person ordinarily resides or carries on business and, in the case of a body corporate or unincorporated body, at the registered office of the body or, where an address for service has been furnished by the person to the Minister, at that address,
- (d) if the address at which the person ordinarily resides cannot be ascertained by reasonable enquiry and the notice or notification relates to land or premises, by delivering a copy to the land or premises or by affixing a copy in a conspicuous position on or near the land or premises, or
- (e) by sending a copy by means of electronic mail or a facsimile machine, to a device or facility for the reception of electronic mail or facsimiles located at the address at which the person ordinarily resides or carries on business or, if an electronic address or facsimile number address for the service of a notice or notification has been furnished by the person to the Minister, that electronic address or facsimile machine, but only if—
  - (i) the recipient's facility for the reception of electronic mail generates a message confirming the successful receipt of the electronic mail, or
  - (ii) the sender's facsimile machine generates a message confirming the successful transmission of the total number of pages of the notice or notification.

(2) Where a notice (including a compliance notice) is to be served on a person in respect of an equine animal which is in a public place and its owner or keeper or a person who appears to be in control of the animal cannot be ascertained by reasonable inquiry, the notice may be served by affixing the notice or a copy of it in a conspicuous position on or near that place.

(3) A person shall not, at any time within 6 months after a copy is affixed under paragraph (1)(d) or (2), remove, damage or deface the copy without lawful authority.

(4) A person who contravenes paragraph (3) commits an offence and is liable on summary conviction to a class D fine.

(5) For the purposes of this section, a company within the meaning of the Companies Acts is considered to be ordinarily resident at its registered office and every other body corporate or unincorporated body is considered to be ordinarily resident at its principal office or place of business.

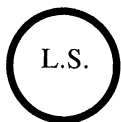
*Fixed payment notice*

45. (1) Where an officer of the Minister, authorised by the Minister in that behalf, or an officer of a local authority authorised by the manager of that local authority in that behalf, has reasonable grounds for believing that a person is committing or has committed an offence that may only be prosecuted summarily

(other than under Regulation 28(1) or 29(5)), he or she may serve a notice in writing (“fixed payment notice”) on that person stating that—

- (a) the person is alleged to have committed the offence,
  - (b) the person may during the period of 28 days beginning on the date of the notice make to the Minister, at the address specified in the notice, a payment, accompanied by the notice, of—
    - (i) €50, in the case of an offence under Regulation 44(4),
    - (ii) €100, in the case of an offence under Regulation 7(6), and
    - (iii) €250, in the case of any other offence under a Regulation referred to in this paragraph in respect of which a fixed payment notice may be served,
  - (c) the person is not obliged to make the payment, and
  - (d) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.
- (2) Where a fixed payment notice is served under paragraph (1)—
- (a) the person to whom the notice applies may, during the period specified in the notice, make to the Minister or the local authority in whose functional area the offence is alleged to have been committed at the address specified in the notice the payment specified in the notice accompanied by the notice,
  - (b) the Minister or the local authority may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it, and
  - (c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.
- (3) In proceedings for an offence referred to in paragraph (1),
- (a) the onus of proving that a payment, in accordance with a fixed payment notice, has been made, lies on the person on whom the fixed payment notice was served, and
  - (b) it is a defence for the accused to show that he or she has made a payment in accordance with this Regulation pursuant to a fixed payment notice issued in respect of that offence.





GIVEN under my Official Seal,  
15 May 2014.

SIMON COVENEY,  
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations provide for the strengthening of the powers of the Minister in relation to the approval process for stud books and issuing bodies for equine identification documents and to the seizure and detention of animals and documents. They revoke the provisions of S.I. No. 357/2011 (European Communities (Equine) Regulations 2011) as amended by S.I. 371/2012 and 69/2013 to the extent that these relate to equine identification. Regulations dealing with equine semen collection centres and ova or embryo collection and production teams contained in those Regulations remain in force.

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