The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, application and commencement

1. —(1) These Regulations may be cited as the Horse Passports (Scotland) Regulations 2005 and shall come into force on 16th May 2005.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

“horse” means a domestic animal of the equine or asinine species or a crossbreed of those species;

“keeper” means a person appointed by the owner to have day to day charge of the horse;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(2);

“passport” means—

(a) an identification document for a horse issued by a passport-issuing organisation containing all the information required by regulation 9(3) or 1(3); or

(b) in the case of such an identification document issued before the coming into force of these Regulations but which does not contain the pages in Section IX of the passport, that document with the Section IX pages attached in accordance with regulation 10,

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(1) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(2) 1994 c. 39.
and “Section IX pages” means those pages;
“passport-issuing organisation” has the meaning given to that term in regulation 3; and
“sell” includes any transfer of ownership, and “sale” shall be construed accordingly.

Organisations authorised to issue passports

3. The following organisations are authorised to issue passports (and any such organisation is referred to in these Regulations as a “passport issuing organisation”)—

(a) organisations which maintain or establish stud-books for registered horses and which are recognised by the Scottish Ministers or by any other authority in the United Kingdom competent to recognise such organisations under regulation 3 of the Horses (Zootechnical Standards) Regulations 1992(3);

(b) organisations recognised in another part of the United Kingdom or another Member State under legislation which implements either—

(i) Commission Decision 92/353/EC (laying down the criteria for approval or recognition of organisations and associations which maintain or establish stud-books for registered equidae(4)); or


(c) international associations or organisations which manage or regulate horses for competition or racing and which are registered with the Scottish Ministers under regulation 4.

International associations or organisations

4.—(1) Any international association or organisation which intends to manage or regulate horses for competition or racing in Scotland shall register with the Scottish Ministers under these Regulations before it does so.

(2) Any international association or organisation which manages or regulates horses for competition or racing in Scotland and which immediately prior to the date of these Regulations coming into force was registered under article 4 of the Horse Passports Order 1997(6) shall be deemed to be registered for the purposes of paragraph (1).

(3) Any international association or organisation registered under an equivalent statutory provision in force in any part of the United Kingdom other than Scotland immediately prior to the date of these Regulations shall be deemed to be registered with the Scottish Ministers in terms of paragraph (1).

(4) The Scottish Ministers may refuse to register any international association or organisation which seeks registration under paragraph (1), or may withdraw registration from an international association or organisation registered or deemed to be registered under paragraph (2) or (3), and if the Scottish Ministers so refuse or withdraw registration the refusal or withdrawal, and the reasons for it, shall be given in writing.

(3) S.I.1992/3045.
(4) O.J. No. L 192, 11.7.92, p. 63.
(5) O.J. No. L 23, 28.1.00, p.72.
(6) S.I. 1997/2789.
Powers and duties of passport-issuing organisation

5.—(1) The passport-issuing organisation is “the competent authority” for the purposes of the passport.

(2) A passport-issuing organisation may cancel a passport issued by it if it is satisfied on reasonable grounds that—

(a) the provisions of these Regulations have not been or are not being complied with; or

(b) the owner has left the passport incomplete or it has been falsified in any way.

(3) When a passport is returned because a horse has died, the passport issuing organisation shall mark the passport accordingly but may then return it to the owner if permitted by its rules.

Records

6.—(1) A passport-issuing organisation shall maintain records of—

(a) information contained in applications for passports and for Section IX pages;

(b) any change of ownership of a horse; and

(c) the death of a horse.

(2) It shall keep these records until three years after the death of the horse.

(3) A passport-issuing organisation shall supply to the Scottish Ministers information from its records in such form and at such intervals as they may require by notice in writing.

Application for a passport

7.—(1) An application for a passport shall—

(a) be made by the owner of the horse;

(b) be made in writing to a passport-issuing organisation; and

(c) be in the format specified by that organisation.

(2) No person shall apply for more than one passport for a horse except—

(a) for a replacement passport in terms of regulation 16; or

(b) for another passport in terms of regulation 22.

Time limits for obtaining a passport

8.—(1) The owner of a horse which was born before 16th May 2005 who does not already have a passport for that horse shall apply for a passport for it before 16th June 2005.

(2) The owner of a horse born on or after 16th May 2005 shall obtain a passport for it on or before 31st December of the year of its birth, or by six months after its birth, whichever is the later.

Issue of a passport

9.—(1) On an application for a passport, and provided all its requirements are complied with, the passport-issuing organisation shall issue a passport.

(2) A passport issued in terms of paragraph (1) shall be completed, to such extent as may be required by these Regulations, in the format set out in Schedule 2.

(3) In the case of a horse either registered or eligible for entry in a stud-book of a registered organisation in accordance with Article 2(c) of Council Directive 90/426/EEC (on animal health
conditions governing the movement and import from third countries of equidae(7)), the passport shall contain all the Sections specified in Part II of Schedule 1.

(4) In any other case the passport shall contain at least Sections I to IV and IX but may contain more Sections or all the Sections specified in Part II of Schedule 1.

Section IX pages for existing passports

10.—(1) In the case of a horse born before 16th May 2005 which already has an identification document issued by a passport-issuing organisation containing all the information required by regulation 9(3) or 9(4) except for the Section IX pages, a passport may consist of that identification document together with the Section IX pages obtained by the owner from a passport-issuing organisation, provided that the owner—

(a) applies for those Section IX pages before 16th June 2005; and

(b) attaches them to the identification document.

(2) Regulation 7 applies to an application for Section IX pages as it applies to an application for a passport.

(3) The Section IX pages issued by a passport-issuing organisation shall contain the same number or alphanumeric code as in Section II of the original identification document.

Identification

11.—(1) The passport-issuing organisation when issuing a passport shall identify the horse with a number or alphanumeric code not previously used by that organisation.

(2) It shall record the number or alphanumeric code in Section II of the passport.

Language of passports

12.—(1) All passports issued in Scotland shall be in English and French, except that Section IX may be in English only.

(2) A passport or any part of it may notwithstanding the requirements of paragraph (1) incorporate a translation into such other language or languages as the organisation or association thinks fit.

Horses entering Scotland

13.—(1) The owner (or, in the case of an owner living outside Scotland, the keeper) of a horse brought into Scotland without a passport (or with a document which would be a passport but for the fact that it does not contain Section IX pages) shall apply for a passport or Section IX pages within 30 days of the horse being brought into Scotland.

(2) A horse brought into Scotland in terms of paragraph (1) must remain on the premises within Scotland onto which it has been brought until a passport has been issued for it.

(3) This regulation shall not apply in relation to a horse which remains in Scotland for less than 30 days.

Declaration concerning slaughter

14. Where a passport has been issued for a horse, the owner of the horse shall sign the declaration in Section IX of the passport concerning whether or not a horse is intended for slaughter for human consumption—

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(a) if the horse was located in Scotland on the date when the passport was issued, before the first movement of the horse from the premises on which it was located as at that date;
(b) if the horse has been brought into Scotland on or after 16th May 2005 in terms of regulation 13, before the first movement of the horse from the premises within Scotland on which it is located on the date when the passport was issued (in which case the declaration must state that the horse is not intended for human consumption);
(c) before the horse is consigned for human consumption (in which case the declaration must state that the horse is intended for slaughter for human consumption); and
(d) before any veterinary medicinal product containing a substance specified in Annex IV to Council Regulation (EEC) No. 2377/90 (laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin(8)) is administered to a horse (in which case the declaration must state that the horse is not intended for human consumption).

Prohibitions

15.—(1) No person other than a passport issuing organisation acting in the course of its duties shall without lawful authority—
   (a) destroy or deface a passport;
   (b) alter any entry made in Section I of the passport;
   (c) alter any of the details in Sections II or III of the passport unless authorised in writing to do so by a passport-issuing organisation;
   (d) make an entry in Section IV of the passport except in accordance with the rules and regulations of a passport-issuing organisation, and no person shall alter any entry; or
   (e) alter any details in Sections V, VI, VII, VIII or IX of the passport.

(2) No person shall without lawful authority possess a passport which that person knows to be false.

Replacement of a lost or damaged passport

16.—(1) Where a passport has been lost or damaged the owner of the horse shall apply for a replacement passport for that horse—
   (a) where the passport-issuing organisation of issue is known to the owner, to that organisation; or
   (b) where the passport-issuing organisation of issue is not known, to any passport-issuing organisation.

(2) Where the passport-issuing organisation applied to in accordance with paragraph (1) issues a replacement passport, it shall be marked with the word “Duplicate”.

(3) Where a passport is damaged the owner shall send it with the application for a replacement to the appropriate passport-issuing organisation in terms of paragraph (1) and—
   (a) if all the original information in the Section IX of the passport is legible the replacement passport shall repeat that information;
   (b) if any information in Section IX of the passport is illegible the owner shall indicate in the replacement passport that the horse is not intended for slaughter for human consumption by completing Part II of that Section.

Restrictions on the movement of horses without passports

17. On or after 16th August 2005, no person shall move a horse—
   (a) for the purposes of competition or breeding;
   (b) out of Scotland;
   (c) on to the premises of a new keeper; or
   (d) for the purpose of receiving veterinary treatment,

unless the horse is accompanied by its passport.

Requirements on persons administering veterinary medicinal products

18.—(1) Where a veterinary medicinal product is to be administered to a horse, the owner or keeper shall show the passport to the person administering it.

(2) The person administering the veterinary medicinal product shall—
   (a) ensure that the horse is the one described in the passport;
   (b) if the passport contains Sections V and VI, record in the appropriate section any vaccine given, and if it contains Section VII, record the results of any laboratory health tests requested and the treatments administered; and
   (c) if the passport shows that the horse is intended for slaughter for human consumption, or if the declaration relating to slaughter for human consumption has not yet been completed, and if the product administered contains a substance not included in Annexes I, II, III or IV of Council Regulation (EEC) No. 2377/90(9) for administration to horses, complete Part IIIIB of Section IX of the passport.

(3) In the case where a veterinary medicinal product is administered to a horse in relation to which a passport has not yet been obtained or is not available, the person administering the product shall give to the owner or keeper a written record of treatment administered and the owner or keeper shall upon receipt of the passport—
   (a) enter this information in the passport in accordance with paragraph (2)(b) and (c) above; and
   (b) if a veterinary medicinal product containing a substance specified in Annex IV to Council Regulation (EEC) No. 2377/90 has been administered to the horse, sign the declaration in the passport that the horse is not intended for slaughter for human consumption.

(4) In the case where the person administering the veterinary medicinal product is not satisfied that the horse is the one described in the passport, that person shall give to the owner or keeper a written record of treatment administered and the owner or keeper shall—
   (a) keep the written record of treatment administered with the passport; and
   (b) if a veterinary medicinal medicinal product containing a substance specified in Annex IV to Council Regulation (EEC) No. 2377/90 has been administered to the horse, sign the declaration in the passport that the horse is not intended for slaughter for human consumption.

Duties on owners

19. On or after 16th August 2005—
   (a) no person shall sell a horse without a passport;

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(9) A list of veterinary medicinal products authorised for administration to horses and listing the active substances under the product name is available on the website of the Veterinary Medicines Directorate, www.vmd.gov.uk.
(b) on the sale of a horse, the seller shall give the passport to the buyer or, at auction sales, the auctioneer shall give the passport to the buyer;

(c) the new owner of a horse shall, within 30 days of purchasing it, return the passport to the passport-issuing organisation which issued it, together with details of the name and address of the new owner, and the passport-issuing organisation shall complete Section I of the passport in accordance with its rules for issuing passports;

(d) a person in possession of a passport shall produce it on reasonable demand to the passport-issuing organisation that issued it, and shall surrender it on reasonable demand to that organisation; and

(e) an owner of a horse that dies other than at a slaughterhouse shall send the passport to the passport-issuing organisation which issued it within 30 days of the death.

Duties on the occupiers of slaughterhouses

20. If a horse is slaughtered in a slaughterhouse on or after 16th August 2005, the occupier of the slaughterhouse shall make copies of Sections II and IX of the passport, retain those copies for one year, and send the passport to the passport-issuing organisation which issued it within 30 days of slaughter.

Slaughter for human consumption

21. On or after 16th August 2005 no person shall slaughter a horse for human consumption unless it is accompanied by its passport and the declaration in Section IX of the passport shows that the animal is intended for slaughter for human consumption.

Withdrawal of recognition

22.—(1) Where a recognised organisation has its recognition withdrawn in terms of regulation 3 of the Horses (Zootechnical Standards) Regulations 1992(10), or an international organisation or association has its registration withdrawn in terms of regulation 4(4) of these Regulations, any passport issued by it shall no longer be of any force and effect, except in so far as provided in paragraph (3).

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

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

Powers of inspectors

23.—(1) An inspector shall, on producing a duly authenticated document showing that inspector’s authority, have a right at all reasonable hours, to enter any premises (excluding any premises not containing any horse and used only as a dwelling) for the purpose of administering and enforcing these Regulations; and in this regulation “premises” includes any vehicle or container.

(2) An inspector so appointed may—

(a) carry out any inquiries;

(b) have access to, and inspect and copy any records (in whatever form they are held) kept under these Regulations;

(10) S.I. 1992/3045.
(c) remove such records to enable them to be copied;
(d) have access to, inspect and check the operation of any computer and any associated apparatus or material which is or has been in use in connection with the records; and for this purpose may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford that inspector with 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;
(e) mark any animal or other thing for identification purposes; and
(f) be accompanied by–
   (i) such other persons as may be necessary; and
   (ii) any representative of the European Commission properly interested in the administration of these Regulations.

(3) No person shall deface, obliterate or remove any mark applied under paragraph (2) except under the written authority of an inspector.

(4) An inspector entering any unoccupied premises shall leave them as effectively secured against unauthorised entry as that inspector found them.

(5) In this regulation “inspector” means a person appointed as such by a local authority or the Scottish Ministers for the purposes of enforcement of these Regulations.

Obstruction

24. No person shall–
   (a) intentionally obstruct any person acting in the execution of these Regulations;
   (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the performance of that person’s functions under these Regulations;
   (c) knowingly furnish to any person acting in the execution of these Regulations any information which is false or misleading; or
   (d) fail to produce a record when required to do so to any person acting in the execution of these Regulations.

Offences

25.—(1) It shall be an offence for any person or organisation to fail to comply with the provisions of these Regulations.
   (2) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of–
      (a) any director, manager, secretary or other officer of the body corporate, or
      (b) any person who was purporting to act in any such capacity,
that director, manager, secretary or officer, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
   (3) For the purposes of paragraph (2)–
      (a) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate; and
(b) “body corporate” includes a partnership in Scotland, and in relationship to such a partnership, a reference to a director, manager, secretary or other officer of a body corporate is a reference to a partner.

(4) Where an organisation which is not a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of any officer of that organisation, that officer, as well as the organisation, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Penalties

26. A person guilty of an offence under these Regulations shall be liable—

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

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

Enforcement

27.—(1) These Regulations shall be enforced by the local authority.

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

Revocations and transitionals

28.—(1) Subject to paragraph (2), the Horse Passports Order 1997(11) and the Horse Passports (Amendment) Order 1998(12) are hereby revoked.

(2) The Horse Passports Order 1997 as amended shall continue to apply, until 16th August 2005, with respect to the movement or sale of a horse where a passport for that horse is required in terms of that Order.

St Andrew’s House, Edinburgh
21st April 2005

ROSS FINNIE
A member of the Scottish Executive

(12) S.I. 1998/2367.
PART I
GENERAL INSTRUCTIONS
A passport must contain all instructions needed for its use and details of the competent authority which issued it.

PART II
INFORMATION TO BE CONTAINED IN PASSPORTS
A passport must consist of the following numbered sections containing, where appropriate, the information specified.

1. Section I:
   Owner.
   The name of the owner must be stated.

2. Sections II and III:
   Identification.
   The equid must be identified by the competent authority.

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

4. Sections V and VI:
   Vaccination record.
   All vaccinations must be recorded in Section V (equine influenza only) and in Section VI (all other vaccinations).

5. Section VII:
   Laboratory health tests.
   The results of all tests carried out to detect transmissible diseases must be recorded.

6. Section IX:
   Medicinal treatment.
   Part I and either Part II or Part IIIA of Section IX must be duly completed specifying whether the equid is intended for human consumption.

A passport may contain a further section, numbered Section VIII, containing the information specified.

7. Section VIII:
   Basic health requirements.
   Section VIII should state the basic health requirements, and list the diseases for which an endorsement must be made on the health certificate attached to the passport, as follows–
   (i) African horse sickness.
(ii) Vesicular stomatitis.
(iii) Dourine.
(iv) Morve glanders.
(v) Equine encephalomyelitis (all types).
(vi) Infectious anaemia.
(vii) Rabies.
(viii) Anthrax.

SCHEDULE 2

FORMAT OF PASSPORTS

A passport shall, to such extent as may be appropriate, be in the format set out in this Schedule.

SECTION I

<table>
<thead>
<tr>
<th>Details of ownership</th>
<th>Details of ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Pour les comptes la locataire doit être celle de son propriétaire.</td>
<td>2. For compting purposes, the nationality of the horse is that of its owner.</td>
</tr>
<tr>
<td>3. On change of ownership, the passport must immediately be lodged with the issuing organization, association or official agency giving the name and address of the new owner, the organization and (where it is the case) the new owner.</td>
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<tr>
<td>4. Lorsque la Prolétation agréée internationalement approve la location d’un cheval par une Prolétation agréée nationale, les détails des transactions doivent être complétés par la Prolétation agréée nationale concernée.</td>
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<td>Date of registration by the organization, association, or official agency</td>
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<td>Nationality of owner</td>
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SECTION II
### SECTION III

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<td>(nom en lettres capitales et qualité du signataire)</td>
<td>(Name in capital letters and capacity of signatory)</td>
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SECTION IV
### SECTION V

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The identity of the person must be checked and the details are required by the relevant regulations and certification must be consistent with the description given on the data page of the passport.

### SECTION VI

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Nationality</th>
<th>Place of birth</th>
<th>Gender</th>
<th>Signature</th>
<th>Date of birth</th>
<th>Place of birth</th>
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The identity of the person must be checked and the details are required by the relevant regulations and certification must be consistent with the description given on the data page of the passport.
SECTION VII

SECTION VIII

Exigences sanitaires de base

Les exigences ne sont pas valables pour l’Introduction dans la Communauté

Basic health requirements

These requirements are not valid to enter the Community
SECTION IX Medical Treatment

<table>
<thead>
<tr>
<th>Date</th>
<th>Lieu</th>
<th>Pour des raisons épidémiologiques particulières, un certificat sanitaire séparé accompagnant le présent passeport</th>
<th>Nom et lettres capitales et signature du vétérinaire officiel</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Pour des raisons épidémiologiques particulières, un certificat sanitaire séparé accompagnant le présent passeport</td>
<td></td>
</tr>
</tbody>
</table>

The Regulations specify which organisations are authorised to issue passports and give them powers and duties (regulations 3 to 6), make provision for applications for and issue of passports (regulations 7 to 11 and Schedule 1), specify the languages of passports (regulation 12) and make provision for horses entering Scotland (regulation 1).

The Regulations make requirements concerning the declaration to be made on the passport relating to slaughter for human consumption (regulation 14).

The Regulations prohibit defacement of passports and make provision for the replacement of lost passports (regulations 15 and 1).

The Regulations provide that, on or after 16th August 2005, horses must be accompanied by their passports when moved for certain purposes (regulation 17).

A duty is imposed on a veterinary surgeon to mark a passport when veterinary medicines are administered (regulation 1).

The Regulations make provision, to take effect on or after 16th August 2005, relating to the sale of a horse (regulation 19) and relating to the slaughter of a horse (regulations 20 and 21).

Provision is made relating to the powers of inspectors, and to obstruction (regulations 1 and 24).

Under regulations 1 and 26 breach of the Regulations is an offence punishable—

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

(b) on conviction on indictment, to imprisonment for two years or a fine, or both.

The Regulations are enforced by the local authority (regulation 1).

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Executive Environment and Rural Affairs Department, Animal Health and Welfare Branch, Pentland House, 47 Robb’s Loan, Edinburgh, EH14 1TY.