

**EMAIL SENT TO DEFRA WITH REGARDS TO CLARIFICATION OF NEW PASSPORT RULES
March 2019**

Responded to by Jon Rouse, Senior Policy Advisor of the Equine ID team at DEFRA

I run a large group that represents almost a thousand livery yard owners across the UK. Following the new Equine Identification (England) Regulations 2018 there have been many discussions about the implementation of changes with regards to the responsibility of livery yard owners so I wonder if you may be able to clarify a few points I raise below or refer to a colleague who may be able to do so.

While many of the changes have been widely published in the Equine Media, some of the UK equine associations, welfare organisations and even the GOV pages seem not to have been updated to reflect the new legislation. I know that the legislation is comprised of lots of other documents, directives and appendices from the UK and EU governments but given the scarcity of information on the legislation document itself, could you please confirm the following:

1. Any livery yard owner, or owner of a premises taking a horse into their care and custody either for payment or otherwise, must inspect the equine and Equine Passport to ensure the animal is correctly identified and microchipped before accepting them on to the premises and into their care.

Owners or keepers with primary responsibility for care of the horse must ensure any horse they look after is correctly identified.

2. It is now a legal obligation for the passport to accompany the equine at all times, including when grazing or stabled. In effect, this means that the passport must be kept at the premises where the horse is kept (i.e. a livery yard). **An equine should be kept with its passport at all times – with the following exceptions:**

- (a) stabled or on pasture and the passport can be produced without delay by the keeper;
- (b) temporarily ridden, driven, led or taken either:
 - I. in the vicinity of the holding within a Member State so that the identification document can be presented without delay; or
 - II. during transhumance of equidae to and from registered summer grazing grounds provided that the identification documents can be presented at the holding of departure;
- (c) un-weaned and accompanied by their dam or foster mare;
- (d) participating in a training or test of an equestrian competition which requires them to leave temporarily the training, competition or event venue;
- (e) moved or transported in an emergency situation relating to the equine animals themselves or to the holding on which they are kept.

3. It was previously suggested that there was 3-hour time frame in which passports must be made available to authorities (DEFRA, welfare inspectors etc). On the new 2018 legislation it states 'without delay' so I would assume that there is now no goodwill delay permitted and in effect passports must be handed over immediately upon request by an appointed person, -

Under the Commission Implementing Regulation (EU) 2015/262 and the Equine Identification (England) Regulations 2018, it is a requirement for an equine to have a valid passport and that the passport accompanies the equine at all times except in the exemptions detailed in (2) above. You need to be ready

to provide your equine's passport without undue delay if an animal Health Inspector, Local Authority Trading Standards inspector or other enforcement officer asks to see it.

4. in the event of the 'keeper' being the yard owner and taking day to day responsibility of the horse on their premises, I assume this means that they are therefore responsible for the storage of the equine passport at the premises and as such it would be a legal requirement for them to request the passport from the horse owner.

The owner should hand-over the equine's ID to the keeper charged with the keeping of the equine; whether on a temporary or permanent basis. It is an offence if the person, without reasonable excuse, withholds an equine's ID from the responsible person. It is also an offence to keep a horse without its passport.

5. In the event that a horse owner is unwilling to provide the keeper (i.e livery yard owner) with the passport, what action can the keeper take given assuming this is a legal requirement? Is it possible for the keeper to retain a copy of the relevant passport pages and a disclaimer from the horse owner stating their refusal to leave the passport with the keeper in order to show due diligence by the keeper in their attempts to retain the passport at the premises?

You can contact your Local Authority Trading Standards who are the body responsible for enforcement of the Regulations.

In light of the new legislation, many yard owners are facing difficulties obtaining passports from new and existing clients who do not believe this is now a requirement, despite the legislation seeming to imply as such. If you are able to clarify the above points that would be a great to many yard owners in the UK who can then feed this information back to their clients. I feel that for the passporting legislation to be better understood by the 'everyday' horse owner and yard owner, there could be an informative leaflet issued by DEFRA explaining the most important points in relationship to a yards responsibility and role in the new passport legislation. I have done a lot of research into the new legislation and am also aware of the issues faced by yard owners so this is something I would be happy to help compile if necessary.

I look forward to your response.

With thanks

Cheryl Johns

LiveryList