Equine Passport Legislation: DEFRA Clarification

In March 2019, LiveryList contacted the Department for Environment, Food & Rural Affairs (DEFRA) to seek clarification on the implementation of the Equine Identification (England) Regulations 2018 and the implications for livery yard owners and others responsible for the care and custody of equines.

The questions addressed practical issues surrounding passport inspection, storage and availability, the responsibilities of keepers, and the steps available to yard owners when horse owners were unwilling to provide passports.

The questions and responses below reproduce the original correspondence for reference. This is a historical record of the clarification provided in 2019 and should not be relied upon as confirmation of current legal requirements without checking the latest legislation and official guidance.

Date of correspondence: March 2019
Respondent: Jon Rouse, Senior Policy Advisor, Equine ID Team, DEFRA

QUESTION 1: RESPONSIBILITY FOR CHECKING PASSPORTS

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.

DEFRA RESPONSE

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

QUESTION 2: REQUIREMENT FOR PASSPORTS TO ACCOMPANY EQUINES

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). Please could you clarify this.

DEFRA RESPONSE

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.

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.

QUESTION 3: HOW QUICKLY MUST A PASSPORT BE PRODUCED?

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,

DEFRA RESPONSE

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QUESTION 4: RESPONSIBILITY FOR PASSPORT STORAGE

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.

DEFRA RESPONSE

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.

QUESTION 5: WHEN A HORSE OWNER REFUSES TO PROVIDE A PASSPORT

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?

DEFRA RESPONSE

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

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