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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 251**

**EUROPEAN COMMUNITIES**

**ANIMALS**

**The Horses (Zootechnical Standards) Regulations (Northern Ireland) 2009**

*Made* - - - - *29th June 2009*

*Coming into operation* - *14th September 2009*

The Department of Agriculture and Rural Development is designated(a) for the purposes of the European Communities Act 1972(b), in relation to the common agricultural policy of the European Community. The Department of Agriculture and Rural Development, makes the following Regulations in exercise of the powers conferred upon it by Section 2(2) of the European Communities Act.

**PART 1**

**General Provisions**

**Citation and commencement**

1. These Regulations may be cited as the Horses (Zootechnical Standards) Regulations (Northern Ireland) 2009, and come into operation on 14<sup>th</sup> September 2009.

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Assembly.

In these Regulations—

“the Department” means the Department of Agriculture and Rural Development.

“horse” means an animal of the equine or asinine species or crossbreeds of those species, but does not include zebras.

“recognised organisation” means an organisation or association which—

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(a) S.I. 2000/2812.

(b) 1972 c. 68.

(c) 1954 c. 33 (N.I.)

- (i) maintains or establishes a stud book in which horses are entered or registered; and
- (ii) has been recognised for this purpose under regulation 3.

“stud book” means any book, register, file or data medium—

- (iii) which is maintained by a recognised organisation; and
- (iv) in which horses are entered or registered with mention of all their known ancestors.

(2) Expressions that are not defined in these Regulations and occur in Commission Decision 92/353/EEC(a) or Commission Decision 96/78/EC(b) have the same meaning in these Regulations as they have for the purposes of those Decisions.

## PART 2

### Recognition of Organisations

#### Criteria for recognition

3.—(1) In order to become a recognised organisation, an organisation or association must—

- (a) submit an application for recognition as a recognised organisation to the Department;
- (b) maintain or establish a stud book; and
- (c) satisfy the criteria referred to in the Schedule to these Regulations.

(2) Subject to regulation 4, the Department must recognise any organisation or association which satisfies the criteria set out in paragraph (1).

#### Refusal to recognise and withdrawal of recognition from organisations

4.—(1) The Department must refuse to recognise, or must withdraw recognition from, an organisation or association which—

- (a) fails to satisfy the criteria for recognition set out in regulation 3(1);
- (b) fails to comply with regulation 6; or
- (c) fails to comply with regulation 7.

(2) Where a recognised organisation already exists in respect of a particular breed of horse, the Department may refuse to recognise an organisation or association representing the same breed of horse if—

- (a) it considers that recognising the organisation or association would—
  - (i) endanger the preservation of that breed of horse;
  - (ii) jeopardise the operation of the existing recognised organisation; or
  - (iii) jeopardise the improvement or selection programme of the existing recognised organisation; or
- (b) an existing recognised organisation allows horses of that breed to be entered in a section of its studbook which it maintains in accordance with the rules laid down by the recognised organisation maintaining the stud book of the origin of that breed.

(3) Where the Department refuses to recognise, or withdraws recognition from, an organisation or association in accordance with paragraph (1) or (2), the reasons for that refusal or withdrawal must be given to that organisation or association in writing.

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(a) O.J. No. L 192, 11.7.92, p.63.

(b) O. J. No. L 019, 25.1.96, p.39

### **Representation to the Department**

5.—(1) A person may make representations in writing against a refusal to recognise, or a withdrawal of recognition from, an organisation or association under regulation 4 to a person appointed for the purpose by the Department.

(2) The appointed person must consider the representations and report in writing to the Department.

(3) The Department must give written notification of its final determination and the reasons for it.

## **PART 3**

### **Form and Content of Stud Book**

#### **Division of main section of stud book**

6. A recognised organisation must not divide the main section of its stud book except into different classes according to the horses' merits.

#### **Compulsory entry in main section of stud book**

7.—(1) A recognised organisation must enter a horse in the main section of its stud book if that horse—

- (a) is descended from parents entered in the main section of a stud book of the same breed;
- (b) has a pedigree established in accordance with the rules of its stud book; and
- (c) is identified as foal at foot in accordance with the rules of its stud book, which rules must at least include a requirement for a covering certificate.

(2) Where a horse is eligible for entry in a supplementary section of a stud book in accordance with the criteria set out in regulation 8, a recognised organisation must allow the progeny of that horse to be entered in the main section of its stud book.

#### **Entry in supplementary section of stud book**

8. Where a horse does not satisfy the criteria set out in regulation 7(1), a recognised organisation may enter that horse in a supplementary section of its stud book if that horse—

- (a) has been identified in accordance with the rules of its stud book;
- (b) is judged by the recognised organisation to conform to the breed standard; and
- (c) meets the requirements for minimum performance set out in the rules of its stud book.

#### **Cross breeding programmes**

9. Where a horse does not satisfy the criteria set out in regulation 7(1), a recognised organisation may enter that horse in the main section of its stud book for the purpose of it taking part in a cross-breeding programme which—

- (a) has been approved by that organisation in accordance with the rules of its stud book; and
- (b) specifies the breeds which are allowed to take part in that programme.

#### **Entry of horses registered in other stud books**

10. Where a recognised organisation—

- (a) receives a request from the owner of a horse registered in another stud book to enter that horse in the main section of its own stud book; and

(b) has divided the main section of its stud book in accordance with regulation 6, the recognised organisation must enter the horse into the class of its stud book whose criteria that horse meets.

#### **Entry in stud book for an animal imported from another member state**

**11.**—(1) Where a horse registered in one member state is imported to another member state then, except where a derogation has been agreed by common accord between the two organisations or associations concerned, —

- (a) the horse must be registered or entered in the appropriate studbook of the member state of destination under the same name; and
- (b) the entry in the studbook of the member state of destination must be accompanied with an indication, in accordance with international agreements, of the initial(s) of the country of foaling.

(2) Where the constitution of the organisations or associations so permits, the original name of the horse as entered in the first stud book may be preceded or followed by another name on a provisional or permanent basis, provided that throughout the horse's life—

- (a) the original name is retained in brackets; and
- (b) the country of birth is indicated by means of the initial(s) recognised by international agreements.

#### **Revocation**

**12.** The Horses (Zootechnical Standards) Regulations (Northern Ireland) 1992(a) are revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 29<sup>th</sup> June 2009.

L.S.

*John Speers*  
A senior officer of the Department of Agriculture and Rural Development

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(a) S.R. 1992/539

## SCHEDULE

Regulation 3

### Criteria for Recognition

#### **Constitution of recognised organisations**

1. An organisation or association which maintains or establishes a stud book must be incorporated as a legal person.

#### **Operation of recognised organisations**

2.—(1) An organisation or association which maintains or establishes a stud book of the origin of a breed, must have established—

- (a) a system for recording pedigrees and the ability to carry out the checks necessary for recording pedigrees;
- (b) a system for identifying horses;
- (c) a definition of the characteristics of the breed covered by the stud book;
- (d) a definition of its basic objectives of selection; and
- (e) lineages entered in one or more other stud books, where necessary.

(2) An organisation or association which maintains or establishes a stud book, but does not maintain the stud book of the origin of the breed, must comply with the principles established under sub-paragraph (1) by the organisation or association which maintains the stud book of the origin of the breed.

(3) Any organisation or association which maintains or establishes a stud book must satisfy the Department that it operates efficiently.

#### **Improvement and selection programmes**

3. An organisation or association which maintains or establishes a stud book must—

- (a) have registered a sufficient number of horses to carry out an improvement or selection programme or to preserve the breed where this is considered necessary;
- (b) be able to provide the data necessary to carry out an improvement, selection or preservation programme; and
- (c) have established a system for providing data whereby horses can be evaluated for the purpose of improvement, selection and breed preservation.

#### **Non-discriminatory treatment of breeders**

4.—(1) Subject to sub-paragraph (2), an organisation or association which maintains or establishes a stud book must have rules of procedure which provide for non-discriminatory treatment of breeders.

(2) Where several organisations or associations already exist within the territory of the Community in respect of a particular breed, the rules of procedure of an organisation or association may provide that horses must be born in a given territory in order to qualify for entry in its stud book for birth declaration purposes.

(3) The qualification in sub-paragraph (2) does not apply where entry in the stud book is for reproduction purposes.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in Northern Ireland only, implement Commission Decision 92/353/EEC (OJ No. L 192, 11.07.1992, p.63) and Commission Decision 96/78/EC (OJ NO. L 19, 25.01.1996, p.39). They partially implement Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae (O.J. No. L244, 18.08.1990, p.55). They revoke and replace The Horses (Zootechnical Standards) Regulations (Northern Ireland) 1992 (S.I. 1992/539).

These Regulations specify the criteria which an organisation or association must satisfy in order to become recognised by the Government for the purpose of maintaining a stud book (regulation 3 (1) and the Schedule to these Regulations). Any organisation or association which satisfies these criteria must be granted official recognition (regulation 3(2)).

Regulation 4 sets out the circumstances in which the Department must and may refuse to grant recognition to, or withdraw recognition from, an organisation or association. Any such refusal or withdrawal must be communicated to the organisation in writing.

Regulation 5 allows a person to make representations to the Department where recognition has been refused or withdrawn under regulation 4.

Regulation 6 permits a recognised organisation to divide the main section of its stud book into different classes according to the horses' merits, but prohibits it from doing so for other purposes.

Regulation 7 specifies the circumstances in which a recognised organisation must enter a horse in the main section of its stud book.

A recognised organisation is permitted to enter a horse in a supplementary section of its stud book where that horse meets certain minimum criteria (regulation 8); to enter a horse in the main section of its stud book to take part in a cross-breeding programme (regulation 9); and to enter a horse registered in another stud book in the main section of its own stud book (regulation 10).

Regulation 11 specifies that a horse imported to another member state must be entered into the relevant stud book unless derogation has been agreed. It also sets out the requirements for entering country of birth and change of name.

A regulatory impact assessment has not been prepared for these Regulations on the grounds that they do not impose significant burdens on existing organisations, or require such organisations to alter their existing procedures to a significant extent.

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