

CHAPTER 43

An Act to consolidate the Horse Breeding Act, 1918, and the Animals Act, 1948. [23rd July, 1958]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Keeping of stallions to be subject to licence or permit.

1.—(1) Subject to the provisions of subsection (2) of this section, it shall not be lawful for any person to keep a stallion which has attained the prescribed age unless there is for the time being in force in respect of it a licence or permit granted by the Minister.

(2) The foregoing subsection shall not apply to—

(*a*) any stallion which attained the age of four years before the first day of January, nineteen hundred and forty-nine, or

(*b*) a stallion being a thoroughbred or a pony of a prescribed breed;

but it shall not be lawful for a person who keeps a stallion which falls within paragraph (*a*) of this subsection, or a stallion which falls within paragraph (*b*) thereof and has attained the prescribed age, to travel it for use for breeding purposes or to exhibit it on any premises not in his occupation with a view to its use for breeding purposes, or to permit it to be so travelled or exhibited, unless there is for the time being in force in respect of it a licence granted by the Minister.

(3) A person who contravenes either of the foregoing subsections shall be liable, on summary conviction, to a fine not exceeding twenty pounds, but it shall be a defence for a person

charged with a contravention of either of those subsections to prove that, at the date when the contravention is alleged to have occurred, application had been duly made for a licence or permit, or, as the case may be, for a licence in respect of the stallion and that the Minister had not given notice of his decision on the application, or that, at the said date, such a licence had been refused or revoked and either that the time for applying under the following provisions of this Act for a referee's inspection and examination had not expired or that an application had been duly made for such an inspection and examination and the Minister had not notified to the applicant his decision as to confirmation of the refusal or revocation.

(4) For the purposes of this section, a person shall be deemed to keep a stallion if he owns it or has the control of it.

Grant, and revocation, of licences in respect of stallions.

2.—(1) Subject to the provisions of this section, the Minister shall, on application being made in the prescribed manner and within the prescribed time or such further time as the Minister may in any case allow, and on compliance with the prescribed conditions as to inspection and examination, and marking, grant to the owner of a stallion a licence in the prescribed form in respect of it and also, if so requested, a certified copy of the licence on payment of such fee (not exceeding one guinea) as may be prescribed.

(2) A licence in respect of a stallion shall continue in force until—

(*a*) it is revoked by the Minister ; or

(*b*) it ceases to be in force after a change of ownership by virtue of the following provisions of this Act in that behalf ; or

(*c*) the stallion dies or is castrated ; or

(*d*) the stallion has been outside Great Britain for a consecutive period of fourteen days or such longer consecutive period as the Minister may allow.

In computing for the purposes of paragraph (*d*) of this subsection how long a stallion has been outside Great Britain, the period of its absence shall be deemed to begin at the time when it is put on board a ship or aircraft for the purpose of being carried out of Great Britain and to end at the time when it is landed in Great Britain on its return.

(3) The Minister may refuse to grant a licence, or may revoke a licence, in respect of a stallion if it appears to the Minister that the stallion—

(*a*) is permanently affected with any contagious or infectious disease ; or

(*b*) is permanently affected with any other disease or defect prescribed as a disease or defect rendering the stallion unsuitable for use for breeding purposes; or

(*c*) has proved to be inadequately prolific; or

(*d*) is calculated, if used for breeding purposes, to injure the breed of horses by reason of its defective or inferior conformation or physique;

but a licence shall not be revoked on the ground only of a stallion's being affected in its wind after it has attained such age as may be prescribed and a licence in respect of it has been in force for such number of years as may be prescribed.

(4) The owner of a stallion in respect of which a licence is in force shall return the licence and the certified copy (if any) to the Minister forthwith on the licence ceasing to be in force; and if he fails to do so he shall be liable, on summary conviction, to a fine not exceeding five pounds.

Grant, and revocation, of permits in respect of stallions.

3.—(1) Where the Minister has refused, or has power to refuse, to grant a licence in respect of a stallion not falling within paragraph (*a*) or (*b*) of subsection (2) of section one of this Act, or has revoked or proposes to revoke a licence in respect of such a stallion, but it is in his opinion expedient to authorise it to be kept entire, he may, on application being made in the prescribed manner and on compliance with the prescribed conditions as to inspection and examination, and marking, grant to the owner of the stallion a permit in the prescribed form in respect of it and also, if so requested, a certified copy of the permit, on payment of such fee (not exceeding one guinea) as may be prescribed.

(2) A permit in respect of a stallion shall continue in force until—

(*a*) it is revoked by the Minister; or

(*b*) a period specified therein for its duration expires; or

(*c*) it ceases to be in force after a change of ownership by virtue of the following provisions of this Act in that behalf; or

(*d*) the stallion dies or is castrated; or

(*e*) the stallion has been outside Great Britain for a consecutive period of fourteen days or such longer consecutive period as the Minister may allow.

In computing for the purposes of paragraph (*e*) of this subsection how long a stallion has been outside Great Britain, the period of its absence shall be deemed to begin at the time when it is put on board a ship or aircraft for the purpose of being carried out of Great Britain and to end at the time when it is landed in Great Britain on its return.

(3) The Minister may refuse to grant a permit on any grounds which appear to him sufficient, and may grant a permit subject to any conditions which he may think fit to impose.

(4) The Minister may revoke a permit if a condition subject to which that permit, or any other permit to the same person, has been granted is contravened or not complied with.

(5) If a condition subject to which a permit is granted is contravened or not complied with, the holder of the permit shall be liable, on summary conviction, to a fine not exceeding twenty pounds.

(6) The owner of a stallion in respect of which a permit is in force shall return the permit and the certified copy (if any) to the Minister forthwith on the permit ceasing to be in force ; and if he fails to do so he shall be liable, on summary conviction, to a fine not exceeding five pounds.

Provisions as to temporary unsuitability for breeding.

4.—(1) If it appears to the Minister that a stallion in respect of which a licence is in force, or is about to be granted, is temporarily affected by a disease or defect rendering it unsuitable for use, or for use in any particular way, for breeding purposes, he may, by notice served in the prescribed manner, make it a condition of the licence that the stallion shall not, for a specified period or until further notice, be used, or be used in that way, as the case may be, for breeding purposes.

(2) If a person allows a stallion to be used in contravention of a condition imposed in pursuance of this section he shall be liable, on summary conviction, to a fine not exceeding twenty pounds.

Appeals.

5.—(1) If the Minister—

(*a*) refuses to grant a licence in respect of a stallion or revokes any such licence ; or

(*b*) serves a notice making it a condition of a licence that the stallion to which it relates shall not be used, or be used in a particular way, for breeding purposes ;

the owner of the stallion shall be entitled, on application made within the prescribed time and in the prescribed manner, and on payment of the prescribed fee (not exceeding five guineas), to have a referee's inspection and examination of the stallion.

(2) For the purposes of this section there shall be constituted a panel of referees consisting of such registered veterinary surgeons and other persons as may be appointed by the Minister to be members of the panel after consultation with such horse breeding societies as in his opinion are interested in such an appointment.

(3) Upon a person becoming entitled under this section to a referee's inspection and examination of a stallion, the Minister shall select one or more members of the said panel to carry out the inspection and examination, but no member of the panel shall be selected for the purpose of inspecting and examining a stallion in pursuance of an application under subsection (1) of this section if he has been previously employed either by the Minister or by the applicant for the purpose of inspecting or examining that stallion.

(4) The member or members selected shall report to the Minister the result of the inspection and examination and the Minister, after considering the report, shall confirm or vary the decision to which the application for the inspection and examination relates, and his confirmation or variation shall be final.

(5) The fee payable on an application under subsection (1) of this section shall, if the Minister does not confirm the decision to which the application relates, be returned to the applicant by the Minister.

(6) The charges of a referee in respect of an application under subsection (1) of this section shall be such as may be fixed by the Minister and shall be paid by the Minister.

Power to order slaughter or castration of unlicensed, &c., stallions.

6.—(1) The Minister may, by notice served in the prescribed manner and in accordance with this section, require that any stallion which has attained the prescribed age at the date when the notice is served and in respect of which no licence or permit is for the time being in force, not being a stallion falling within paragraph (*a*) or (*b*) of subsection (2) of section one of this Act, shall be slaughtered or castrated within such time after the notice takes effect as may be specified in the notice.

(2) For the purposes of this section, a notice shall be served—

(*a*) in a case where the notice is served together with a notice of refusal to grant a licence or permit, on the applicant for the licence or permit;

(*b*) in a case where the notice is served together with a notice of revocation of a licence or permit, on the person stated in the licence or permit to be the owner of the stallion;

(*c*) in any other case, on any person for the time being having the control of the stallion.

(3) If a notice under this section is duly served on a person who is not the owner of the stallion, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner

thereof and, if he fails to do so, he shall be liable to indemnify the owner against any loss which the owner may suffer by reason of the failure.

(4) A notice duly served under this section shall take effect at the time of the service thereof, except that—

(*a*) if a licence or permit in respect of the stallion has not at any time been applied for, or has ceased to be in force under the following provisions of this Act relating to transfer of ownership, and before the expiration of a period of fourteen days from the service of the notice application is duly made for a licence or permit, the notice shall not take effect unless and until the application is refused and, where the application is for a licence, the time for applying for a referee's inspection and examination has expired nor, if such an inspection and examination is duly applied for, unless and until the Minister notifies the applicant that he has decided to confirm the refusal; and

(*b*) if the Minister has refused to grant, or has revoked, a licence in respect of the stallion, the notice shall not take effect until the time for applying for a referee's inspection and examination has expired, nor, if such an inspection and examination is duly applied for, unless and until the Minister notifies the applicant that he has decided to confirm the refusal or revocation.

(5) If a person on whom a notice has been duly served under this section fails to comply with the notice, he shall be liable, on summary conviction, to a fine not exceeding three pounds for every day during which the failure continues.

(6) If a person, without the permission of the Minister, at any time after a notice has been duly served under this section removes (otherwise than for the purpose of slaughter or castration) the stallion to which the notice relates from the place where it is at the time of the service of the notice, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds.

(7) If a notice duly served under this section is not complied with, the Minister may cause the stallion to which the notice relates to be slaughtered or castrated at the expense of the person on whom the notice was served, and the cost of the slaughter or castration shall be a debt due from that person to the Crown.

(8) The provisions of this section shall be in addition to, and not in substitution for, the provisions of this Act imposing penalties with respect to the keeping of a stallion without a licence or permit.

Inspection and marking of stallions.

7.—(1) The Minister shall secure the inspection and examination of a licensed stallion at such intervals as he may consider proper for the purpose of ascertaining that there is no ground for revoking the licence in respect of the stallion.

(2) A person duly authorised in writing by the Minister in that behalf shall have power to inspect and examine any stallion, and mark any stallion with a prescribed mark in the prescribed manner, and shall for the purposes of this Act have power to enter at all reasonable times any premises where he has reason to believe any stallion is kept; and if any person refuses to allow any person who is so authorised and who, if so required, produces his authority to inspect and examine, and to mark as aforesaid, any stallion or to enter any premises which he is entitled to enter under this subsection or obstructs or impedes him in the exercise of his powers under this subsection, that person shall be liable, on summary conviction, to a fine not exceeding twenty pounds.

(3) The owner of a stallion in respect of which a licence or permit is in force shall submit the stallion to inspection and examination by any person authorised in that behalf by the Minister if and when required by the Minister; and if he fails to do so he shall be liable, on summary conviction, to a fine not exceeding five pounds.

(4) If a person, with intent to deceive, places on a stallion a prescribed mark or a mark so closely resembling a prescribed mark as to be calculated to deceive, or defaces a mark placed on a stallion for the purposes of this Act, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both.

Provisions as to change of ownership.

8.—(1) If a stallion in respect of which a licence or permit is in force is sold or let for a period exceeding six months or if the ownership of the stallion is otherwise changed, the licence or permit shall, on application to the Minister, be transferred to the new owner by endorsement or otherwise, but unless so transferred shall cease to be in force at the expiration of one month after the change of ownership.

(2) The owner of a stallion in respect of which a licence or permit is in force shall give notice forthwith to the Minister in the prescribed manner of any sale or letting or other change in the ownership of the stallion; and if he fails to do so he shall be liable, on summary conviction, to a fine not exceeding five pounds.

Notification to Minister of death or castration of stallion.

9. The owner of a stallion in respect of which a licence or permit is in force shall give notice forthwith to the Minister in the prescribed manner of the castration or death of the stallion; and if he fails to do so he shall be liable, on summary conviction, to a fine not exceeding five pounds.

Production of licences and permits.

10. A licence or permit or certified copy thereof shall be produced—

(*a*) at the time of, or before, the service by the stallion of a mare, if so required by the owner or person in charge of the mare;

(*b*) at any time, if so required by an officer of the Minister or a police officer or any person authorised by rules under this Act;

and if the person for the time being in charge of or having control of the stallion fails to produce the licence, permit or copy when so required he, and also the owner of the stallion if the failure is due to his default, shall be liable, on summary conviction, to a fine not exceeding five pounds.

Forgery and fraudulent use of licences and permits.

11. If a person forges or fraudulently alters or uses or permits to be fraudulently altered or used any licence, permit or certified copy of a licence or permit he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months, or to a fine not exceeding twenty pounds, or to both.

Provisions as to evidence.

12.—(1) For the purposes of any proceedings for a contravention of subsection (1) of section one of this Act alleged to have occurred at any time, the burden of proof that a licence or permit in respect of the stallion was in force at that time shall lie on the person charged, and until the contrary is proved it shall be presumed that no licence or permit in respect thereof was then in force.

(2) The foregoing subsection shall apply in relation to a contravention of subsection (2) of section one of this Act with the omission of the references to a permit.

(3) For the purposes of any proceedings for a contravention of subsection (1) of section one of this Act alleged to have occurred at any time, and for the purposes of any proceedings under or arising out of section six of this Act by virtue of a notice served under that section at any time, it shall be presumed until the contrary is proved that the stallion had attained the prescribed age at that time and that it did not attain the age of four years

before the first day of January, nineteen hundred and forty-nine; and for the purposes of any proceedings for a contravention of subsection (2) of section one of this Act alleged to have occurred at any time, it shall be presumed until the contrary is proved that the stallion had attained the prescribed age at that time.

(4) Notwithstanding anything in the last foregoing subsection, it shall be a defence for a person charged with a contravention of subsection (1) of section one of this Act alleged to have occurred at any time to prove that the stallion was not bred by him, that he took all reasonable steps to ascertain its age, and that he had reason to believe that it had not attained the prescribed age at that time or to believe that it attained the age of four years before the said first day of January.

(5) The last foregoing subsection shall apply in relation to a contravention of subsection (2) of section one of this Act with the omission of the reference therein to proof of reason to believe that the stallion had attained the age of four years before the said first day of January.

Power to make rules.

13.—(1) The Minister may, by statutory instrument, make rules, subject in respect of fees to the approval of the Treasury, for prescribing anything which under this Act is to be prescribed and generally for carrying this Act into effect.

(2) Rules under this section setting out the breeds of ponies prescribed for the purposes of this Act may provide that for those purposes ponies of a specified breed shall be treated as of a prescribed breed only so long as they are within a specified district, and this Act shall have effect accordingly.

Expenses.

14.—(1) The expenses of the Minister under this Act to such amount as may be approved by the Treasury and so far as not covered by receipts under this Act shall be defrayed out of moneys provided by Parliament.

(2) The amount of the expenses under this Act defrayed out of moneys provided by Parliament shall not exceed twenty thousand pounds in any financial year.

Stallions on commons and in the New Forest.

15. Where any regulation made under the Commons Act, 1908, or any other Act includes amongst the conditions under which stallions may be upon any common or in the New Forest a requirement that they shall be licensed by the Minister, the Minister shall have power to grant licences for the purpose, and the provisions of this Act shall apply in respect of the grant and revocation of such licences and the licences so granted in

like manner as they apply in respect of the grant and revocation of licences for the purposes of this Act, and of licences granted for those purposes.

Interpretation.

16.—(1) In this Act—

" certified " means certified in the prescribed manner;

except where the context otherwise requires, " licence " and " permit " mean respectively a licence and a permit for the purposes of this Act;

" the Minister " as respects England and Wales means the Minister of Agriculture, Fisheries and Food, and as respects Scotland means the Secretary of State;

" owner ", in relation to a stallion, means the person to whom for the time being the stallion belongs, whether absolutely or as lessee;

" prescribed " means prescribed by rules made under this Act;

" thoroughbred " means a horse entered or eligible for entry in the General Stud Book.

(2) In computing the age of a stallion for the purposes of this Act, the stallion shall be treated as having attained the age of one year on the first day of January next after the year in which it was foaled.

Repeal and savings. 8 & 9 Geo. 5. c. 13. 11 & 12 Geo. 6. c. 35.

17.—(1) The Horse Breeding Act, 1918, and the Animals Act, 1948, are hereby repealed.

(2) In so far as any licence or permit granted, notice served or given, rules made, or other thing done, under an enactment repealed by this Act could have been granted, served, given, made or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by the foregoing subsection but shall have effect as if it had been granted, served, given, made or done under that corresponding provision.

(3) Without prejudice to the last foregoing subsection, any reference in any provision of this Act to the doing of a thing or the happening of an event shall, in so far as the context permits, be construed as including, in relation to times and circumstances in relation to which the corresponding provision in the enactments repealed by this Act had effect, a reference to the doing of the corresponding thing or the happening of the corresponding event under that corresponding provision.

(4) Any document referring to an Act or enactment repealed by this Act shall be construed as referring to this Act or the corresponding enactment therein.

(5) Any person holding office by virtue of an enactment repealed by this Act shall continue to hold his office as if he had been appointed by virtue of the corresponding provision of this Act.

(6) Where an offence, being an offence for the continuance of which a penalty was provided, has been committed under an enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence in the same manner as if the offence had been committed under the corresponding provision of this Act.

(7) Where the commencement of this Act falls within the time specified in a notice duly served under section seven of the Animals Act, 1948, the repeal of that section by this Act and its re-enactment in section six thereof shall be deemed to have taken effect in relation to the notice immediately before the service thereof.

(8) The mention of particular matters in this section shall be without prejudice to the general application of subsection (2) of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals. 52 & 53 Vict. c. 63.

18.—(1) This Act may be cited as the Horse Breeding Act, 1958. Short title, commencement and extent.

(2) This Act shall come into operation at the expiration of one month beginning with the date of its passing.

(3) Section fifteen of this Act shall not extend to Scotland.

(4) This Act shall not extend to Northern Ireland.

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