

## **EXPLANATORY MEMORANDUM**

### **Eggs and Chicks (Amendment) Regulations (Northern Ireland) 2011 S.R. 2011 No. 248**

#### **1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development ('the Department') to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under section 2(2) of, and paragraph 1(A) of Schedule 2 to, the European Communities Act 1972 and is subject to the negative resolution procedure.
- 1.3 The Rule complies with the 21 day rule and will come into operation on 1<sup>st</sup> August 2011.

#### **2. Purpose**

- 2.1 To amend the Eggs and Chicks Regulations (Northern Ireland) 2010 'the 2010 Regulations' to include an appeal to a magistrates' court and a revised definition for "electronic communication".

#### **3. Background**

- 3.1 The 2010 Regulations implement EU rules in relation to marketing standards for eggs, but to address concerns expressed by the Examiner of Statutory Rules, the appeal procedure requires amendment to ensure it is a truly independent and impartial process.

#### **4. Consultation**

- 4.1. A 12 week consultation was held prior to the making of the 2010 Regulations. Since then, there has been extensive consultation with both the Examiner and the Ulster Farmers' Union (UFU) (representing the industry) in relation to proposed amendments to the appeals procedure. The Department has taken into account, both the concerns of the Examiner to make the appeal system more independent and the UFU's desire for the inclusion of an appeal provision other than to a magistrates' court.

#### **5. Equality Impact**

- 5.1 The Department conducted a screening exercise when preparing the 2010 Regulations, in accordance with section 75 of the Northern Ireland Act 1998. The Regulations only make a minor amendment to the appeals system. The Department's view is that the Regulations will not have a differential impact on the section 75 groups.

#### **6. Regulatory Impact**

- 6.1 There are no regulatory impacts stemming from these Regulations.

## **7. Financial Implications**

7.1 There are no financial implications stemming from these Regulations.

## **8. Section 24 of the Northern Ireland Act 1998**

8.1 The Regulations are deemed to comply with the requirements of Section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

9.1 The Regulations continue to give effect to Council Regulation (EC) No. 1234/2007 (O.J. No. L 299, 16.11.2007, p. 1), Commission Regulation (EC) No. 617/2008 (O.J. No. L 168, 28.6.2008, p. 5), Commission Regulation (EC) No. 589/2008 (O.J. No. L 163, 24.6.2008, p. 6) and Regulation (EC) No. 2160/2003 (O.J. No. 325, 12.12.2003, p. 1) on EC marketing standards relating to eggs for hatching and chicks, eggs in shell for consumption and new Salmonella related controls.

## **10. Parity or Replicatory Measure**

10.1 Parallel Regulations in England, Scotland and Wales include only an appeal to a Magistrates Court.

## **11. Additional Information**

11.1 Not applicable.