

EXPLANATORY MEMORANDUM
TO
The Non Commercial Movement of Pet Animals (Northern Ireland) Order 2011

S.R. 2011 No.440

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development and is laid before The Northern Ireland Assembly.

1.2 The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

1.3 The Statutory rule is being made to bring domestic legislation in line with EU Law which comes into effect on 1st January 2012. This Order will come into operation on 1st January 2012. Regrettably it has been decided that on this occasion the Department is unable to comply with the 21 day rule

2. Purpose

2.1 This rule gives effect to disease control measures, including those relating to Rabies, for imports of pets from other Member States and Third Countries.

3. Background

3.1 EC Regulation 998/2003 requires that prior to movement to another Member State (MS) pets must be microchipped, vaccinated against rabies and accompanied with a passport certifying valid anti-rabies vaccination or re-vaccination if applicable.

3.2 This regulation currently provides a temporary derogation for the UK until 31 December 2011 to apply more stringent measures to protect against Rabies (this also applies to Ireland, Sweden and Malta). A further derogation (which also applies to Ireland, Sweden, Finland and Malta) also allows the UK to impose additional controls on pets to protect against tick-borne disease (e.g. Mediterranean Spotted Fever) and the tapeworm *Echinococcus multilocularis* (EM).

3.3 When the derogations expire our controls for Rabies and ticks will harmonise with the rest of the EU. The purpose of the legislation is to have domestic legislation which is compatible with EU Law.

3.4 A further consequence of the harmonisation of controls has been in relation to the movements of pets within the British Isles. Currently pets can move within these islands without any legislative or administrative controls. We are unable to maintain this position with the ending of the derogation for Rabies. The legislation will require pet owners to have their pets microchipped, vaccinated and have a pet passport to come here or bring their pets back here from

the Republic of Ireland. This legislation will amend the Rabies (Importation of Dogs, Cats and other Mammals) Order (Northern Ireland) 1977 to reflect those requirements.

3.5 Although these requirements will be included in the legislation we will be checking and enforcing the measures on a risk based approach. The current Veterinary Risk Assessment is that the risk associated with the movement of pets within these islands remains at a negligible level as there has not been an indigenous case of Rabies for a considerable period of time. On that basis there will be no checking or enforcement of these controls. Should the disease risk change we will have a robust framework of controls to mitigate the risk of rabies incursion

5. Consultation

5.1 No formal consultation has been carried out. The changes do not impose new burdens on industry as this process is simply to introduce into domestic legislation EU legislation that is already in place.

6. Parity or Replicatory Measure

6.1 Defra has made the Non-Commercial Movement of Pet Animals Order 2011, which will come into force on 1st January 2012 and extends to Great Britain. DAFM has similar legislation to implement the EU requirements.

7. Equality Impact

7.1 Consideration has been given to compliance with section 75 of the NI Act 1998 and screening exercises have been carried out on the proposed legislation. The outcome was that an Equality Impact Assessment on the proposed Statutory Rule was not considered necessary.

8. Regulatory Impact and Financial Implications

8.1 A Regulatory Impact Assessment

9. Section 24 of the Northern Ireland Act 1998

9.1 The Order deals with animal disease control and does not have any human rights implications, nor are they incompatible with EU law. The Order is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

10. Contact

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