

## **EXPLANATORY MEMORANDUM TO**

### **Cattle Identification (Miscellaneous Amendments) Regulations (Northern Ireland) 2012**

#### **S.R. 2012 No. 416**

#### **1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the above-named Statutory Rule, which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under section 2(2) of the European Communities Act 1972 (1972 c. 68) 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 January 2013.

#### **2. Purpose**

- 2.1 These Regulations make small changes to the cattle traceability system in Northern Ireland to allow:
  - (i) the use of agents to notify births, deaths and movements of animals. At present, a keeper must personally notify DARD of that information. For convenience, the Regulations will allow a keeper to nominate an agent to notify DARD, but responsibility for notification will remain with the keeper;
  - (ii) notification of lost or stolen cattle. Keepers are currently required to notify all cattle deaths and movements within seven days of the event; however, the legislation does not specifically require keepers to notify cattle that are lost or stolen. The Regulations will correct that anomaly by requiring keepers to report them to the Department within seven days of becoming aware of the fact and to provide details of the circumstances;
  - (iii) disposal of ear tags by abattoirs and hunt kennels. Existing Regulations provide for abattoirs and hunt kennels to remove ear tags from cattle and retain them until DARD collects them for disposal. The amending Regulations will make provision for the abattoirs and hunt kennels to dispose of the ear tags themselves, in line with sheep and pig legislation, while allowing for DARD inspectors to request that specific tags be retained if they are needed for enforcement purposes; and

- (iv) registration of imported cattle from outside the EU. Existing Regulations do not require cattle brought in from outside the EU to be registered with DARD. The amending Regulations include a provision to require the importing keeper to register the animal with the Department within 15 days of re-identification.
- 2.2 The Regulations amend: the Cattle Identification (No. 2) Regulations (Northern Ireland) 1998, as amended (S.R. 1998 No. 279); the Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999, as amended (S.R. 1999 No. 265); and the Cattle Passport Regulations (Northern Ireland) 1999 (S.R. 1999 No. 324), as amended (S.R. 2004 No. 420).
- 2.3 The majority of the changes are technical and non-controversial.

### **3. Background**

- 3.1 A regime governing the identification, registration and movement (IRM) of cattle is laid down in European Law by Regulation (EC) No. 1760 / 2000 of the European Parliament and of the Council of 17 July 2000; establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 (the EU Regulation). The European Commission is currently reviewing that Regulation with a view to amending it.
- 3.2 The amendment will be for the purpose of allowing Member States to implement cattle electronic identification (EID). It has been delayed pending Member State agreement but is needed to allow the Department to implement the majority of the outstanding Better Regulation recommendations, for example, allowing keepers to use APHIS rather than their on-farm herd register, and allowing tags to be read and recorded on arrival at markets and meat plants rather than on the holding of origin.
- 3.3 The EU Regulation is implemented in Northern Ireland by several pieces of secondary legislation known collectively as the Cattle IRM Regulations.

### **4. Consultation**

- 4.1 A consultation on these Regulations was undertaken from 9 July 2012 to 28 September 2012.
- 4.2 The Department received 18 replies to the consultation. They were broadly positive on the legislative proposals, although they were not supportive of a proposal for administrative changes to require sires, clones and embryo

transfer dams to be notified. The views that the industry expressed resulted in the omission of the administrative proposal.

## **5. Equality Impact**

- 5.1 Under Section 75 of the Northern Ireland Act 1998, DARD has considered the Regulations and assessed them for any equality implications. The Department considers that the Regulations will not result in any equality differentials amongst Section 75 groups. It has “screened out” the policy and does not propose to complete an equality impact assessment.

## **6. Regulatory Impact**

- 6.1 The new legislation will allow further implementation of the Better Regulation and Simplification Report recommendations. The Regulations are of a technical nature, and a Regulatory Impact Assessment has not been carried out, as there is no significant impact for businesses, charities or voluntary bodies.

## **7. Financial Implications**

- 7.1 Having abattoirs and hunt kennels dispose of ear tags is a savings measure in the DARD Savings Delivery. It will achieve an estimated saving for DARD of £18,000 per annum.

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

- 8.1 The Regulations enable the options available to keepers for notifying cattle births and deaths to be extended. They do not have any human rights implications; nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of Section 24 of the NI Act 1998.

## **9. EU Implications**

- 9.1 The Regulations make minor technical reforms to the secondary legislation that transposes the EU Regulation for Cattle IRM.

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

- 10.1 This is standalone legislation for Northern Ireland.
- 10.2 In England, Wales and Scotland, keepers must notify the British Cattle Movement Service of lost or stolen cattle by returning the cattle passport within seven days of becoming aware of the loss or theft.

- 10.3 The Regulations bring Northern Ireland into line with the RoI. In the RoI:
- (i) keepers must notify lost or stolen cattle to the Garda Síochána, which provides a written report to DAFM to allow them to update their database;
  - (ii) agents may already report information to DAFM on behalf of keepers; and
  - (iii) in 2003, operators of abattoirs, hunt kennels and knackeries have made their own arrangements for the disposal of ear tags.

## **11. Additional Information**

- 11.1 Not applicable.

## **12. Contact**

- 12.1 John McConnell at the Department of Agriculture and Rural Development.  
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