

## **EXPLANATORY MEMORANDUM TO**

### **The Trade in Animals and Related Products (Amendment) Regulations (Northern Ireland) 2014**

**S.R 2014 No 196**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development 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 the European Communities Act 1972 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. These Regulations amend The Trade in Animals and Related Products Regulations (Northern Ireland) 2011(TARP).
- 2.2. The Regulations address a concern from the Examiner of Statutory Rules as raised in his report of 27 January 2012, in which he stated that regulation 10 of the TARP Regulations appeared to be superfluous. At that time the Department gave an undertaking to revoke regulation 10 at a time when other amendments to the TARP Regulations were being made.
- 2.3. The Regulations reintroduce provisions relating to unchecked consignments, re-imported products, enforcement and protection of officers acting in good faith that were in place under previous Regulations but were inadvertently not carried through to the 2011 Regulations.
- 2.4. The Regulations also make minor amendments to the wording of Schedules 1 and 3 relating to the obligations of circus operators and a consequential amendment to the Official Feed and Food Controls Regulations (Northern Ireland) 2009 in Schedule 5.

#### **3. Background**

- 3.1. The Trade in Animals and Related Products Regulations (Northern Ireland) 2011 came into operation on 1 January 2012. They consolidated the Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007, the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006 and the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998, which cover intra-Community trade in live animals and products of animal origin, and imports of live animals and products of animal origin from countries outside the European Union. The Regulations also implemented EU trade requirements and simplified the regulatory landscape for importers and enforcers, enabling the legislative base for enforcement to be more easily updated when required.
- 3.2. The Department, the Food Standards Agency in Northern Ireland (FSANI) and District Councils are enforcement authorities for these Regulations. A number of proposed amendments have been included as a result of

concerns raised by the FSANI relating to the 2011 Regulations and they have been closely involved in the drafting process. Belfast City Council has responsibilities relating to the arrival of imports at an approved EU entry point (Belfast Port) and has also been involved in the review of this legislation.

#### **4. Consultation**

4.1. A public consultation was not carried out on the proposed amendment to the TARP Regulations as it does not effect a change to policy but rather reinstates provisions that existed in previous legislation. There was no consultation carried out when the Regulations were initially introduced in 2011 as they consolidated existing legislation, rather than making any new provisions.

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

5.1. A screening exercise was carried out on the proposed legislation in February 2013. The outcome was that an Equality Impact Assessment was not considered necessary and the Department considers that the Regulations will not result in any equality differentials amongst Section 75 groups.

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

6.1. A Regulatory Impact Assessment has not been carried out as the proposed legislation will have no impact on businesses, charities, social economy enterprises or the voluntary sector.

#### **7. Financial Implications**

7.1. There are no financial implications relating to the introduction of this legislation.

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

8.1. The Regulations deal with the trade of live animals and products of animal origin and 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 Northern Ireland Act 1998.

#### **9. EU Implications**

9.1. Not applicable.

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

10.1. DEFRA made the Trade in Animals and Related Products Regulations 2011 on 27 April 2011 and the legislation came into force on 25 May 2011. They are currently undertaking a review of these Regulations but do not have a timetable for the introduction of amending legislation. Scotland and Wales have also introduced parallel TARP Regulations.

10.2. The ROI has its own legislation to implement the EU Trade Directives.

#### **11. Additional Information**

11.1. Not applicable.