

EXPLANATORY MEMORANDUM TO

The Residues (Charges and Examination) (Amendment) Regulations (Northern Ireland) 2019

S.R. 2019 No. 16

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 Acting jointly, the Department of Agriculture, Environment and Rural Affairs and the Department of Health make the Statutory Rule (SR) in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 of the European Communities Act 1972 and Article 47(2) of the Food Safety (Northern Ireland) Order 1991. The SR is subject to the negative resolution procedure.

2. Purpose

- 2.1 The SR makes minor amendments to update outdated EU legislative references before the powers to do so under Section 2(2) of the European Communities Act 1972 (ECA) are revoked by the European Union (Withdrawal) Act 2018 on EU Exit Day.
- 2.2 The following two pieces of legislation are being amended:
 - The Charges for Residues Surveillance Regulations (Northern Ireland) 2010; and
 - The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016

3. Background

- 3.1 On the day that the UK leaves the EU, the European Union (Withdrawal) Act 2018 will repeal the ECA. As a result the powers to make changes under that Act will be repealed, and therefore it is necessary to make some minor drafting changes (to update outdated EU references) to the legislation before that happens. The legislation does not introduce any new policy as it simply updates references that would otherwise be updated when the legislation was being amended, but now need made before the UK leaves the EU.
- 3.2 These types of updates are made routinely when the legislation is otherwise being updated, but as noted above will not be possible following exit from the EU; they will simply update references in domestic rules in order to align with existing EU legislation.

4. Consultation

- 4.1 As the legislation that is being amended within the proposed SR relates to food, a public consultation exercise was carried out as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council, laying down the general principles and requirements of food law.
- 4.2 The public consultation exercise on a draft SR ran from 23 November 2018 to 21 December 2018. Key stakeholders within the agri-food industry were directly informed of the consultation exercise and it was placed on the Department's website. The Department did not receive any substantive responses to the proposed SR.

5. Equality Impact

- 5.1 In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed. The Department considers that the Regulations will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

- 6.1 Given the minor nature of the amendments, it is considered there are no impacts on the private, voluntary or public sector as a result of these changes. Therefore, a Regulatory Impact Assessment has not been completed.

7. Financial Implications

- 7.1 As only minor drafting amendments are being made there are no financial implications associated with the introduction of these Regulations.

8. Section 24 of the Northern Ireland Act 1998

- 8.1 The Regulations do not have any human rights implications, nor are they incompatible with EU law. The Regulations were screened for impact on human rights. The Rule is therefore deemed to comply with the requirements of Section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1 The proposed SR makes amendments to update out of date EU references.

10. Parity or Replicatory Measure

- 10.1 The Northern Ireland Regulations replicate the GB Regulations.

11. Additional Information

11.1 Not applicable.