

EXPLANATORY MEMORANDUM TO
Equine Identification Regulations (Northern Ireland) 2019

S.R. 2019 No. 67

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment 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 (SR) is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1 The aim of the Equine Identification Regulations is to improve the system of equine identification by implementing the Commission Implementation Regulation (EU) 2015/262 (“EU Regulations”). The EU Regulations are directly applicable to all Member States.
- 2.2 The Statutory Rule replaces the Horse Passport Regulations (Northern Ireland) 2010.

3. Background

- 3.1 The Statutory Rule ensures that the system of equine identification set out in Commission Implementing Regulation (EU) 2015/262 functions effectively in Northern Ireland. The system includes identification documentation (horse passports), the marking of equines with a transponder, and a central equine database. The Regulations make minimal changes from the Horse Passport Regulations (NI) 2010 that are required by the new EU Regulation.
- 3.2 The administrative and procedural requirements are set out in Part 2 of the Statutory Rule.
- 3.3 Part 3 sets out how the Statutory Rule will be enforced including offences and penalties. Breach of the Regulations is an offence punishable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine.

4. Consultation

- 4.1 A consultation was held from the 5th to the 30th of November 2018. A summary of the responses will be placed on the Department’s website.

5. Equality Impact

- 5.1 In accordance with the guidance produced by the Equality Commission of Northern Ireland and in keeping with section 75 of the Northern Ireland Act 1998, the proposals in the Regulations have been screened for equality impact and it has been concluded that a full Equality Impact Assessment is not required.
- 5.2 The record of the screening exercise has been placed on record with the DAERA Equality Unit as required. No equality issues were raised in the consultation.

6. Regulatory Impact

- 6.1 A Regulatory Impact Assessment was completed. The proposals result in only minor costs to business or horse owners. The benefit of the proposals are increased traceability of horses and owners through the central database and increased confidence that horses presented for slaughter are eligible for human consumption.

7. Financial Implications

- 7.1 There is already a high level of compliance with these Regulations within the equine industry and any further financial implications are minor.

8. Section 24 of the Northern Ireland Act 1998

- 8.1 The Regulations deal with the identification of equines, 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 These Regulations enforce the EU Regulation and keep the regulations similar to the Horse Passport Regulations (NI) 2010 plus the minimum to meet new EU requirements.

10. Parity or Replicatory Measure

- 10.1 Equine identification legislation has been introduced for England, Scotland and Wales. The regulations for those administrations introduce retrospective microchipping and civil sanctions, which this Statutory Rule for Northern Ireland does not seek to do in the absence of a Minister or Assembly.

11. Additional Information

- 11.1 Not applicable.