EXPLANATORY MEMORANDUM
TO
THE ANIMAL BY-PRODUCTS (ENFORCEMENT) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2011.

S.R. 2011 No. 258

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 Regulations will come into operation on 7th July 2011.

2. Purpose

2.1 The Animal By-Products (Enforcement) (Amendment) Regulations (NI) 2011 will amend Regulation 19(a) (penalties) of the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2011 (S.R. 2011 No. 124) ("the principal Regulations") so that the maximum term of imprisonment on summary conviction is three months.

2.2 As the regulations amend a technical error in the principal regulations it has regrettably been decided that on this occasion the Department should not comply with the 21 day rule.

3. Consultation

3.1 The Department has not consulted regarding the amending Regulation.

3.2 A twelve week public consultation dealing with the first phase of the EU review took place in January 2009. On 30th June 2010, stakeholders and interested organisations were updated on the most recent EU proposals.

3.3 A further eight week public consultation with stakeholders and interested organisations was carried out between 12th October 2010 and 6th December 2010 in respect of the principal Regulations.

4. Human Rights and Equality Impact

5.1 The Regulations do not have human rights implications. Animal health and disease control have been identified as policies and functions that do not have an equality dimension therefore an Equality Impact Assessment is not considered necessary.

5. Section 24 of the Northern Ireland Act 1998

5.1 The principal Regulations lay down rules for the use and disposal of animal by-products not intended for human consumption. They do not have any human rights implications, nor are they incompatible with EU law. The amendment Regulations alter the penalty provisions and are deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

6. Contact

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