EXPLANATORY MEMORANDUM TO

THE ANIMALS (IDENTIFICATION, RECORDS, MOVEMENT AND ENFORCEMENT) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2025

S.R.2025 No. 11

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under powers conferred on it by section 11 and 22 of paragraphs 11M(1), (3) and (8) of Part 1C of Schedule 2 and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawl) Act 2018 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule ensures that Northern Ireland (NI) subordinate legislation relating to animal identification, registration and movement can continue to operate effectively following the introduction of Regulation (EU) No.2016/429 (Animal Health Law). It does so by making a number of technical amendments, primarily by updating references to repealed EU instruments in five pieces of domestic legislation.

3. Background

3.1. EU law sets out a system for the identification, registration and movement (IRM) of livestock. This is supported in domestic law by a number of Departmental regulations which describe how livestock should be identified; the significant life events that need to be reported to the Department to ensure robust farm to fork traceability; and the offences and penalties which apply if these rules are not adhered to. The EU Animal Health Law (AHL), which has applied from 21 April 2021, repealed and replaced a number of previously existing EU laws on livestock IRM. It does not make significant changes to the livestock regime. The AHL is listed in Annex 2 to the Windsor Framework and, therefore, automatically applies to Northern Ireland (NI).

3.2. For the most part, the Statutory Rule updates references to the repealed EU instruments in domestic legislation by inserting a reference to the equivalent AHL provision (or to delegated or implementing legislation made under AHL). As a result, five separate pieces of domestic legislation governing the IRM of cattle, sheep and goats are amended:

- Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999
- Cattle Identification (No. 2) Regulations (Northern Ireland) 1998;
- Cattle Passport Regulations (Northern Ireland) 1999;

- Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998; and
- The Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2009.

3.3. These changes do not represent a change in policy, rather they are technical changes required to ensure that this domestic legislation continues to be operable, and to ensure that the Department has powers to continue to enforce the IRM rules contained within it.

3.4. The AHL provides for the use of new specifications for the identification of livestock. It requires that NI must have its own unique livestock identification code so that exports can be distinguished from those from Great Britain. The Statutory Rule therefore, amends existing domestic legislation to update the details of what is considered to be an approved tag, to align with these new requirements and to ensure the appropriate enforcement powers are available for this change.

3.5. The Statutory Rule also makes some minor changes to definitions contained in domestic legislation to ensure consistency with the AHL. It extends the definition of animals to clarify that the offspring of crossings of certain species are also within scope of the definition.

3.6. The Statutory Rule also makes an amendment to ensure that the definition of keeper is consistent across all IRM domestic legislation, and clarifies that the definition of keeper excludes veterinary practices. For the same reason, a similar amendment is made to the definition of 'holding' in IRM sheep legislation.

3.7. The Statutory Rule extends the timescale for the reidentification of sheep and goats imported from third countries, from 14 days to 20 days in line with the requirements within AHL. It also updates the definition of assembly centre within the 2009 Order, as the previous definition referred to repealed domestic legislation.

3.8. Finally, the SR revokes provisions contained in the Cattle Identification (No. 2) Regulations (Northern Ireland) 1998, and the Sheep and Goat (Records, Identification and Movement) Order (Northern Ireland) 2009, which were transitionary when the domestic legislation was originally made and are no longer required. It also updates references to domestic legislation that has been repealed.

4. Consultation

4.1. As the amendments contained in the Statutory Rule are technical in nature and do not involve policy changes, they have not been subject to public consultation.

5. Equality Impact

5.1. The Department is required under section 75 of the Northern Ireland Act 1998 to screen the proposed changes to ascertain if an Equality Impact Assessment is required. A screening exercise was, therefore, carried out on the Statutory Rule. No equality issues were identified.

5.2. A Rural Needs Impact screening exercise has also been carried out and no rural needs implications associated with the Statutory Rule were identified.

6. Regulatory Impact

6.1. A regulatory impact assessment was not completed for this Statutory Rule, as no significant impact on business, charities, social economy or voluntary bodies is anticipated.

7. Financial Implications

7.1. There are no financial implications associated with the introduction of the Statutory Rule.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Statutory Rule does not have any human rights implications nor is it incompatible with EU law. It, therefore, complies with the requirements of section 24 of the NI Act 1998.

9. EU Implications

9.1. The Statutory Rule supports the implementation of the IRM aspects of the AHL.

10. Parity or Replicatory Measure

10.1. The Statutory Rule is not necessary for parity elsewhere.

11. Additional Information

11.1. The Statutory Rule is made under the European Union (Withdrawl) Act 2018, in breach of the 21 day rule. This has been necessary as the Statutory Rule addresses potential enforcement gaps in the livestock traceability regime. It is therefore necessary to bring the provisions into operation quickly after the legislation is made, in order to reduce the risk of non-compliance with IRM requirements in the period following the making of this legislation.