EXPLANATORY MEMORANDUM TO

THE CATTLE IDENTIFICATION (AMENDMENT) REGULATIONS 2006

2006 No. 1538

THE CATTLE DATABASE (AMENDMENT) REGULATIONS 2006

2006 No. 1539

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1.1 This explanatory memorandum has been prepared by the Department for Environment Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments

2. Description

2.1 The SIs update references to European Council, Parliament and Commission Regulations and references to UK legislation, all of which have been re-made since 2000.

2.2 These are technical amendments only; duties on keepers of cattle, and provisions relating to enforcement, offences and penalties are unaltered.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 These Regulations amend the Cattle Identification Regulations 1998 and the Cattle Database Regulations 1998 with immediate effect to remove any doubt that they effectively enforce Community measures on cattle identification. Consequently the Department has felt obliged to break the 21-day rule.

4. Legislative Background

4.1 The Cattle Identification Regulations 1998 and Cattle Database Regulations 1998 implement Council Regulation (EC) 820/97, which was repealed and replaced on 17 July2000 by Council Regulation (EC) 1760/2000. This latter Regulation amalgamated one on the labelling of beef – where earlier provisions were changed – with the rules on the identification of cattle and requirements for a cattle database. These latter rules were carried forward un-amended from Regulation 820/97. Regulation 1760/2000 requires that "references to Regulation (EC) 820/97 shall be construed as references to this Regulation…" (Article 24).

4.2 Defra has taken the view that, whilst updating of references in individual SIs was preferable, there was no gap in domestic law. For cattle identification, this view was taken because Article 24, as a directly applicable provision of Community law, automatically updated references in domestic law to Regulation 1760/2000, and in any event there is a principle of interpreting domestic law consistently with Community obligations. It was considered significant that the replacement Regulation 1760/2000 introduced no new obligations, and thus no new domestic offences were created. For the avoidance of doubt the Department has decided to clarify the law in these Regulations.

5. Extent

5.1 The instruments apply to Great Britain.

6. European Convention on Human Rights

6.1 As the instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

7.1 The current cattle identification system has been in place since January 1998. This is a EU-wide policy designed to increase consumer confidence in beef and dairy products by ensuring "farm to fork" traceability. This underpins the Government's role in protecting public health.

7.2 Additionally, the systems help promote animal health at all levels by ensuring that cattle, their whereabouts and their ownership are known. Official identification of animals, together with records on the Cattle Tracing System also encourages and enables animal owners to maintain good records and stock management. These are fundamental to controlling Bovine Spongiform Encephalopathy and they assist with Common Agriculture Policy subsidy management.

8. Impact

8.1 Regulatory Impact Assessments have not been prepared for these instruments as they have no impact on business, charities or voluntary bodies.

9. Contact

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can answer any queries regarding these instruments.