EXPLANATORY MEMORANDUM TO

Cattle Identification (Notification of Births, Deaths & Movements) (Amendment) Regulations (Northern Ireland) 2011

S.R. 2011 No. 349

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the above-named Statutory Rule which 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 Rule complies with the 21 day rule, and will come into operation on 31 October 2011.

2. Purpose

2.1. The Cattle Identification (Notification of Births, Deaths & Movements) (Amendment) Regulations (Northern Ireland) 2011, insert a definition of "electronic communication" into regulation 2(2) (Interpretation), amend regulation 6 (Notification of birth), regulation 7 (Notification of cattle movement), regulation 8 (Notification of death) and regulation 9 (Electronic notification), and insert regulation 9A (Electronic notification of birth and death).

2.2. The changes will permit the use of means of electronic communication approved by the Department for the registration of births and deaths of cattle by keepers to the Department.

3. Background

3.1. The Principal Regulations (Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999 (No. 265), as amended by the Identification and Notification of Cattle Regulations (Northern Ireland) 2004 (No. 420)) require that notification to the Department of the birth or death of an animal shall be by the keeper correctly completing a notification document with the required details and submitting it to the Department.

3.2. Notification of birth documentation must be with the Department within 7 days of tagging. The amendment to regulation 6 allows for the alternative method of notification by means of electronic communication within the same timescale.

3.3. Notification of death documentation must be with the Department within 7 days of death. The amendment to regulation 8 allows for the alternative method of notification by means of electronic communication within the same timescale.

3.4. The insertion into regulation 2(2) defines “electronic communication”.

3.5. Regulation 9 allows for the Department to authorise any person to notify the movement of an animal for the purposes of regulation 7 (Notification of cattle movement) by means of electronic communication. The amendment to the title of this regulation clarifies that it relates to movement obligations.

3.6. Regulation 9A allows for the Department to authorise any person to notify the birth or death of an animal for the purposes of regulation 6 (Notification of birth) and regulation 8 (Notification of death) by means of electronic communication.

4. Consultation

4.1. A consultation was undertaken for these Regulations from 4 July 2011 to 30 August 2011.

4.2. There were 2 responses to the consultation. One respondent had no substantive comment to make and one respondent welcomed the proposed change.

5. Equality Impact

5.1. Under Section 75 of the Northern Ireland Act 1998 DARD has considered and assessed the Regulations for any equality implications. An equality impact assessment has not been carried out as no equality differentials are foreseen on Section 75 groups.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has not been carried out as the Regulations do not have any significant impact for businesses, charities or voluntary bodies. Any impact will relate to the introduction of any new communication methods and will be subject to separate consideration.

7. Financial Implications

7.1. The Regulations do not have any significant financial implications for the Department or stakeholders. Any financial implications will relate to

introduction of any new communication methods and will be subject to separate consideration.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations deal with an amendment to accommodate the use of means of electronic communication for the registration of births and deaths of cattle by keepers to the Department. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. This is stand alone legislation for Northern Ireland and there is no impact on GB devolved administrations.

10.2. In England notification is catered for in the Cattle Identification Regulations 2007 (No. 529), as amended by the Cattle Identification (Amendment) Regulations 2007 (No. 1046).

10.3. In Wales notification is catered for in the Cattle Identification (Wales) Regulations 2007 (No. 842 (W. 74)), as amended by the Cattle Identification (Wales) (Amendment) Regulations 2007 (No. 3004 (W. 260).

10.4. In Scotland notification is catered for in the Cattle Identification (Scotland) Regulations 2007 (No. 174)), as amended by the Cattle Identification (Scotland) (Amendment) Regulations 2007 (No. 312).

10.5. In RoI births and deaths are reported to an external company that processes them on behalf of The Department of Agriculture, Fisheries and Food (DAFF). The most popular registration methods are paper and on-line. DAFF has also developed a system of registering births via mobile phone.

11. Additional Information

11.1. Not applicable.

12. Contact

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