EXPLANATORY MEMORANDUM TO

THE PLANT HEALTH AND DISEASES OF ANIMALS (AMENDMENT) (EU EXIT) REGULATIONS (NORTHERN IRELAND) 2020

2020 No.

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 and is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is to be made under the European Union (Withdrawal) Act 2018 and is laid before the Assembly under the draft affirmative resolution procedure. Regulations 1 and 5 in it, which contain introductory and revocation provisions, will come into operation on the day after the Statutory Rule is made. Regulations 2 to 4 will come into operation on the day after the end of the transition period (1 January 2021).

2. Purpose of the instrument

2.1 The Statutory Rule ensures that Northern Ireland primary legislation relating to plant health and animal health and welfare aligns with European Union (EU) obligations in accordance with the Protocol on Ireland/Northern Ireland (the Protocol) and can continue to operate effectively when the transition period ends.

3. Background

3.1 In 2018 and 2019, a number of Statutory Instruments were made by the Department for Environment, Food and Rural Affairs to ensure that domestic legislation could operate in the event that the United Kingdom (UK) left the EU without an agreement. Some of those Statutory Instruments amended Northern Ireland legislation for which the Department has responsibility. They were taken forward at Westminster to ensure transparency and scrutiny in the absence of a fully functioning Northern Ireland Assembly and are due to come into operation at the end of the transition period. While there are some provisions in the Statutory Instruments that are still needed because they reflect that the UK is no longer an EU Member State, some amendments in them no longer align with the Protocol. For this reason, the Statutory Rule revokes some of the amendments contained in one of these Statutory Instruments, namely the Animal Health and Welfare (Amendment) (Northern Ireland) (EU Exit) Regulations 2019.

3.2 The Statutory Rule amends primary legislation relating to plant health and animal health and welfare to ensure that it aligns with the Protocol. It provides that investigations in respect of alleged breaches of animal health and welfare obligations arising under either retained EU law or the Protocol can continue as they do now at the end of the transition period. It also provides that the Department can continue to make any legislation preventing the introduction into, or spread within, Northern Ireland of plant pests that is required to implement EU obligations arising under the Protocol. Finally, the Statutory Rule amends a reference to ‘other member States’ in the Diseases of Animals (Northern Ireland) Order 1981 to reflect that the UK is no longer a member of the EU.

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.

6. Regulatory Impact

6.1 Given the technical nature of the Statutory Rule, no regulatory impact assessment is required. There are no impacts on the private, voluntary or public sector as a result of these changes.

7. Rural Needs Impact

7.1 A rural needs screening exercise has been carried out on the Statutory Rule. As it makes technical changes only, no impact was identified.

8. Financial Implications

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

9. Section 24 of the Northern Ireland Act 1998

9.1 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.

10. EU Implications

10.1 The Statutory Rule takes account of the need to align with the agreement reached between the UK and the EU on the UK's withdrawal from the EU.

11. Parity or Replicatory Measure

11.1 The Statutory Rule is not necessary for parity elsewhere.

12. Additional Information

12.1 N/A

13. Contact

13.1 Darrin Fullerton at the Department of Agriculture, Environment and Rural Affairs: Telephone: 02877442310 or email: darrin.fullerton@daera-ni.gov.uk, can be contacted with any queries regarding the Statutory Rule.

13.2 Neal Gartland at the Department of Agriculture, Environment and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.