EXPLANATORY MEMORANDUM TO

THE WELFARE OF FARMED ANIMALS REGULATIONS (NORTHERN IRELAND) 2012

1. Introduction

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

1.2 The Statutory Rule is made under powers conferred by Section 11(1), (2) and (3) (Regulations for securing welfare of animals) of the Welfare of Animals Act (Northern Ireland) 2011 and is subject to the draft Affirmative Resolution procedure.

2. Purpose

2.1 It has been necessary to consolidate and re-make the Welfare of Farmed Animals Regulations (Northern Ireland) 2000, (as amended), which were made under the Welfare of Animals Act (Northern Ireland) 1972 (1972 Act) as this Act is in the process of being repealed. This Statutory Rule lays down the rules for protecting the welfare of farmed animals and imposes duties on the person responsible for the animal.

2.2 The Statutory Rule provides for general conditions under which farmed animals shall be kept; in the schedules there are additional conditions that apply to the keeping of laying hens in non-cage systems (such as free range, barn and organic), in enriched cages, for all systems in which laying hens are kept and conventionally reared meat chickens. There are also additional conditions for cattle, pigs, rabbits and the keeping of calves confined for rearing and fattening. Provisions on codes of practice, offences and penalties are also outlined in the Statutory Rule.

3. Background

3.1 The Welfare of Animals Act (Northern Ireland) 2011 (2011 Act) brought together and modernised legislation relating to the welfare of farmed and non-farmed animals. The 2011 Act supersedes the 1972 Act. The 2011 Act updates and strengthens powers in the 1972 Act that existed to promote the welfare of vertebrate animals. The 2011 Act clarifies the enforcement roles of DARD inspectors and council inspectors. A definition of farmed animals is included for clarity. The 2011 Act specifies that abandonment is an offence whether an animal is likely to suffer or not.

3.2 This Statutory Rule revokes and remakes the Welfare of Farmed Animals Regulations (Northern Ireland) 2000 (S.R. 2000 No. 270), as amended and also transposes several EU Directives that protect the welfare of farmed animals. Those Regulations set out in detail the general conditions under which farmed animals must be kept and contained further schedules setting out additional conditions applying to various species of farmed animals.

3.3 In order to continue to implement the various EU Directives underlying the 2000 Regulations, as amended, and to ensure all farmed animal welfare legislation is brought together under the 2011 Act, the Welfare of Farmed Animals Regulations 2000, as amended, are being replaced by this Statutory Rule. It is important to note that there are no significant changes to the 2000 Regulations.

4. Consultation

4.1 The Department conducted a 12 week consultation from 4 July 2011 until 26 September 2011. Copies of the consultation were sent to relevant stakeholders and placed on the DARD Internet site.

4.2 Five responses were received. The comments centred on the implementation measures of the Regulations. The Department has responded to the issues raised by the Ulster Farmers' Union, the National Beef Association and Countryside Alliance Ireland.

5. Equality Impact

5.1 In accordance with its statutory duty under section 75 of the Northern Ireland Act 1998, the Department has conducted an Equality Impact screening exercise on the Regulations and has concluded that the Regulations do not have any equality implications.

6. Regulatory Implications

6.1 A Regulatory Impact Assessment (RIA) has been prepared for the Welfare of Farmed Animals Regulations (Northern Ireland) 2012.

6.2 DARD has considered how the amending Regulations meet with the requirement for Better Regulation and has concluded that they will not impose any additional burden on Keepers.

6.3 The benefits of the Regulations are to consolidate existing welfare legislation and allow earlier intervention to prevent suffering before it has taken place. The Regulations will affect all those individuals that are in charge of a farmed animal, including those who keep it temporarily.

6.4 They will not impose any additional burdens on keepers.

7. Financial Implications

7.1 The Regulations promote good welfare standards and best practice for keepers and, as they should already be adopting such, do not place any additional financial burden on farming businesses or individual owners of farmed animals. There are no anticipated financial implications for either industry or the voluntary sector.

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. The Statutory Rule is therefore deemed to comply with the requirements of Section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 The Statutory Rule implements EU law on the protection of animals kept for farming purposes. It provides a framework under which detailed EU welfare requirements can be developed for individual species or categories of farmed animals.

10. Parity or Replicatory Measure

10.1 The Department for Environment, Food and Rural Affairs (Defra) introduced the Animal Welfare Act in 2006 and the Welfare of Farmed Animals (England) Regulations 2007 (No. 2078).

10.2 The Department considers the Statutory Rule closely follows the corresponding Defra Statutory Instrument.

10.3 Parallel legislation was made in Scotland and Wales with the introduction of The Welfare of Farmed Animals (Scotland) Regulations 2010 (No. 388) and The Welfare of Farmed Animals (Wales) Regulations 2007 (No. 3070 under their respect Animal Welfare Acts.)

10.4 The Department of Agriculture, Food and Marine in Dublin is in the process of bringing forward a new Animal Health and Welfare Bill.

11. Additional Information

11.1 Not applicable

12. Contact

12.1 Jim McKelvey, Deputy Principal of Animal Identification, Legislation and Welfare Branch, Room 914, Dundonald House, Tel: 02890 525470, Email: jim.mckelvey@dardni.gov.uk, may be contacted to provide any additional information required.