EXPLANATORY MEMORANDUM TO

THE EQUINE IDENTIFICATION (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2022

S.R. 2022 No. 200

1. Introduction

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

1.2 The Department is making the above named SR under powers conferred on it by Sections 11 and 22 of and Part 1C of Schedule 2 and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018 and is subject to the negative resolution procedure.

2. Purpose

2.1 The amendment made by this SR will maintain the Department's powers under The Equine Identification Regulations (Northern Ireland) 2019. These include the electronic means of identification for equine animals and powers of enforcement for associated offences.

2.2 This SR will update the reference to the Commission Implementing Regulation (EU) No. 2015/262 of 17 February 2015 which has been repealed by the Commission Delegated Regulation (EU) No 2019/2035 of 28 June 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for establishments keeping terrestrial animals and hatcheries, and the traceability of certain kept terrestrial animals and hatching eggs.

2.3 The time table for implementation of the delegated regulation is set out in Implementing Regulation (EU) 2021/963 of 10 June 2021 laying down rules for the application of Regulations (EU) 2016/429, (EU) 2016/1012 and (EU) 2019/6 of the European Parliament and of the Council with regard to the identification and registration of equine animals and establishing model identification documents for those animals. The majority of the articles, including electronic means of identification entered into force on the 7th July. Annex II detailing the content of the single lifetime Identification document (horse passport) shall apply from the 28th January 2022.

3. Background

3.1 The amendment made by this SR will maintain the powers conferred on the Department by The Equine Identification Regulations (Northern Ireland) 2019. These regulations have placed the Department as Competent Authority for the system of equine identification in Northern Ireland. This system includes identification documentation (horse passports), the marking of equines with a transponder, and a central equine database.

4. Consultation

4.1 This SR has not been subject to formal consultation as it is merely a technical update ensuring the continuity of The Equine Identification Regulations (Northern Ireland) 2019. A consultation was held in November 2018 in preparation for the development of the original 2019 regulations.

5. Equality Impact

5.1 This SR is a technical amendment to legislation and does not introduce any policy change. In accordance with the guidance produced by the Equality Commission of Northern Ireland and in keeping with section 75 of the Northern Ireland Act 1998, the proposals in the Regulations have been screened for equality impact and it has been concluded that a full Equality Impact Assessment is not required.

5.2 The record of the screening exercise has been placed on record with the DAERA Equality Unit as required. No equality issues were raised in the consultation of the original 2019 regulations.

6. Regulatory Impact

6.1 Given the purely technical nature of the amendments, it is considered there are no impacts on the private, voluntary or public sector as a result of these changes. The benefit will continue from the original regulation of increased traceability of horses and owners through a central equine database and increased confidence regarding horses entering the food chain. Therefore, a Regulatory Impact Assessment has not been completed.

7. Financial Implications

7.1 The existing regulations will be maintained when this SR is enacted. The equine industry has already been operating under these regulations. There are no envisaged financial implications.

8. Section 24 of the Northern Ireland Act 1998

8.1 This SR makes only a minor amendment to legislation and does not introduce any policy change and therefore will have no impact on human rights. The SR is required to update references to EU law and so there are no issues with compatibility with EU law.

8.2 This SR is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 The SR will maintain the operability of existing Northern Ireland regulations under the Ireland/Northern Ireland Protocol.

10. Parity or Replicatory Measure

10.1 NI followed pre EU-Exit legislation until January 2022, when new EU equine identification legislation took effect

11. Additional Information

11.1 Not Applicable.