EXPLANATORY MEMORANDUM TO

THE SHEEP AND GOATS (RECORDS, IDENTIFICATION AND MOVEMENT) (ENGLAND) (AMENDMENT) ORDER 2016

2016 No. 76

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs (DEFRA).

2. Purpose of the instrument

2.1 Clarifying the power to enforce the registration of sheep and goat keepers in England.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None. The instrument is not laid before Parliament.

3.2 As this instrument is not subject to parliamentary procedure, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 EC Regulation 21/2004[1] (The Council Regulation) requires keepers of sheep and goats to register with a competent authority. Enforcement powers are contained in The Sheep and Goats (Records, Identification and Movement) (England) Order 2009, as amended (The 'Sagrimo' Order). The relevant article (25(1)) does not provide an unambiguous power to enforce the registration of keepers in the case of non-compliance. This instrument corrects that deficiency.

5. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales.

5.2 The territorial application of this instrument is England.

6. European Convention on Human Rights

6.1 The Minister of State at DEFRA, George Eustice has made the following statement regarding Human Rights:

"As the instrument is not subject to parliamentary procedure and does not amend primary legislation, no statement is required."

[1] Establishing a system for the identification and registration of ovine and caprine animals http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02004R0021-20130701&rid=1

7. Policy background

What is being done and why

7.1 The Council Regulation (Article 8(2)) requires keepers of sheep and goats to register with a competent authority (in England this is DEFRA) when they start to keep sheep or goats at a holding, and within 30 days of starting to do so.

7.2 When the 2007 Sagrimo Order was made it stated that once a new keeper had registered they must be allocated a flock/herd mark for the animals on their holding. The mark is unique to each holding and is used to officially identify each animal. It is allocated by the Animal and Plant Health Agency (APHA). The wording used did not make it clear (as previous Sagrimo Orders had done) that if a keeper did not register as required they would be committing an offence.

7.3 The power to enforce that requirement is ambiguous and should be clarified.

Consolidation

7.4 No plans are in place to consolidate the 2009 Order. An informal consolidated text is available. Copies can be obtained from: sheepandgoats@defra.gsi.gov.uk.

8. Consultation outcome

8.1 DEFRA consulted the Local Authorities National Animal Health and Welfare Panel who confirmed that it is necessary to clarify the power to enforce sheep and goat keeper registration.

9. Guidance

9.1 Registration is a directly applicable obligation upon keepers, emanating from the Council Regulation. It is well understood by keepers that they must register when they start to keep sheep. The requirement is explained in long-standing published guidance.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to activities undertaken by some small businesses (farms).

11.2 To minimise the impact on small businesses (employing up to 50 people) DEFRA provides prompt and clear guidance on a simple registration process for sheep and goat keepers if any move animals from an unregistered holding.

11.3 The requirement in the Council Regulation is for all keepers to register, regardless of the size of their business and for the competent authority to maintain a central register of all keepers and their holdings. It is vital for traceability and disease control purposes to know where all keepers are operating.

12. Monitoring & review

12.1 A review provision is included in the Sagrimo Order.

12.2 It is appropriate to ensure that the power to enforce compliance is clear and unambiguous. DEFRA monitors the number of keepers who move sheep from unregistered holdings and as mentioned at 11.2 a process is place to address non-compliance in the first instance via guidance. Compliance with the registration requirement is high. Were there to be an issue with non-compliance DEFRA would work with industry stakeholders to address the issue.

13. Contact

13.1 Patrick Brophy at The Department for Environment, Food and Rural Affairs - Telephone: 0208 026 3834 or email: patrick.brophy@defra.gsi.gov.uk, can answer questions regarding the instrument.