

EXPLANATORY MEMORANDUM TO

The Welfare of Animal (Permitted Procedures by Lay Persons) Regulations (Northern Ireland) 2012

S.R. 2012 No.

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development (DARD) to accompany the above-named Statutory Rule which is laid under the draft affirmative resolution process before the Northern Ireland Assembly.
- 1.2. The Rule is made under powers in Section 5 of the Welfare of Animals Act (Northern Ireland) 2011 (“the 2011 Act”) and will come into operation on 2nd April 2012.

2. Purpose

- 2.1. The Welfare of Animals (Permitted Procedures by Lay Persons) Regulations (Northern Ireland) 2012 (“the Regulations”) set out the acceptable practices that may be performed on animals by non-veterinarians. The Act provides an exemption for procedures carried out by a veterinary surgeon as these are regulated under the Veterinary Surgeons Act 1966 (as amended).
- 2.2. The Regulations will for the first time provide clarity by listing all those permitted procedures that can be carried out by a lay person on animals which are considered necessary for the overall welfare or good management of an animal.

3. Background

- 3.1. Section 5 of the 2011 Act makes it an offence where a person carries out, or causes to be carried out, a prohibited procedure on a protected animal. A prohibited procedure is defined in the 2011 Act as one which involves *interference with the sensitive tissues or bone structure of the animal*.
- 3.2. These Regulations will bring into operation provisions which will allow lay persons who have received instruction, or have previous experience in a procedure, to carry out procedures on animals which are listed in the Regulations. Regulation 3 contains a general requirement that all permitted procedures be performed in accordance with any relevant requirement in the Schedules to the Regulations, in such a way as to minimise the pain and suffering it causes to the animal, in hygienic conditions, and in accordance with best practice.

- 3.3. Regulation 4 contains an additional general exemption from the ban on prohibited procedures, for procedures performed in an emergency for the purposes of saving life or relieving pain of a protected animal.
- 3.4. Regulation 5 will allow the continuation of the current practice of removal of tissue, hair or feathers for genetic analysis.
- 3.5. Schedules 1 – 11 contain the specific permitted procedures which may be carried out by a lay person on each species of animal. Within Part I of each schedule they have been further separated under headings “Identification Procedures”, “Procedures for the Control of Reproduction” and “Other Management Procedures”. Where necessary any additional conditions are specified in Part II of each schedule.

4. Consultation

- 4.1. A 12 week consultation was undertaken for these Regulations from 1st July 2011 to 23rd September 2011.
- 4.2. There were 25 responses to the consultation. Overall the Regulations were welcomed by all stakeholders and there was significant support for the vast majority of the proposals in them. A summary of the consultation responses has been placed on the DARD website.
- 4.3. The consultation proposed that all the procedures which had historically been allowed to be carried out by lay persons should continue to be allowed with the exception of hot branding of horses. The proposal to ban the practice of hot branding of horses was welcomed and supported by all respondents to the consultation.
- 4.4. Consultation responses led to a review of the policy in relation to some outdated methods of identification now that microchipping is widely accepted as a reliable method of identification. Therefore ear clipping for any species of animal, ear notching of pigs and tagging of cats and dogs have been removed from the draft Regulations and will therefore be banned. In addition since the consultation implantation of a subcutaneous hormone has been added to the list of permitted procedures for sheep.

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. A full equality impact assessment has not been carried out as the policy has been screened out.

No equality differentials are foreseen on Section 75 groups. A copy of the equality and screening out template has been placed on the DARD website at http://www.dardni.gov.uk/index/consultations/archived-consultations/permitted_procedures_consultation.htm.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has not been carried out as the Regulations do not have any impact for businesses, charities or voluntary bodies. The Regulations will not introduce any new constraints or other limitations on businesses or other bodies and the resulting impact of the introduction of these Regulations on such business or other bodies should therefore be zero.

7. Financial Implications

- 7.1. The Regulations do not have any financial implications for the Department or stakeholders.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Regulations set out the acceptable practices that may be performed on animals by non-veterinarians. 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 provisions on permitted procedures are contained in the Mutilations (Permitted Procedures) (England) Regulations 2007 (as amended).
- 10.3. In Wales provisions on permitted procedures are contained in the Mutilations (Permitted Procedures) (Wales) Regulations 2007 (as amended).

- 10.4. In Scotland provisions on permitted procedures are contained in the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2007 (as amended).
- 10.5. In Ireland a new Animal Health and Welfare Bill is being drafted and is likely to include provisions on the mutilation of an animal.

11. Additional Information

- 11.1. Not applicable.

12. Contact

- 12.1. Kate Davey at the Department of Agriculture and Rural Development.
Telephone: 028 9052 4408 or e-mail: kate.davey@dardni.gov.uk may be contacted to provide any additional information.