

EXPLANATORY MEMORANDUM
2010 No. 40

The Horse Passports Regulations (Northern Ireland) 2010

1. The Department of Agriculture and Rural Development, for the purposes of section 2(2) of the European Communities Act 1972 and of every other power enabling it in that behalf, after consultation with representatives of such interests as appear to it to be concerned, makes the above-named Regulations, which are subject to negative resolution.

2. Description

2.1 These Regulations enforce Commission Regulation (EC) No. 504/2008 in Northern Ireland. They provide for identification of horses, and replace the Horse Passports Regulations (Northern Ireland) 2004.

3. Matters of special interest to the Examiner of Statutory Rules

3.1 None.

4. Legislative Background

4.1 These Regulations enforce Commission Regulation (EC) No. 504/2008 in Northern Ireland. They provide for identification of horses, and replace the Horse Passports Regulations (Northern Ireland) 2004. Part 2 of the Regulations create offences for breach of provisions of the Commission Regulation.

4.2 Part 3 provides that the Regulations are enforced by The Department of Agriculture and Rural Development for Northern Ireland and gives powers to inspectors of that authority.

4.3 Breach of the Regulations is an offence punishable-

(a) On summary conviction, to a fine not exceeding the statutory maximum or

(b) On conviction on indictment, to a fine.

5. Consultation

5.1 This amendment required consultation with the equine industry and other interested parties. A 12 week consultation was carried out commencing 5th December 2008. The majority of responses in general endorsed the proposed legislation, the only reservation being one area, namely that concerning making information on horse parentage

mandatory on the grounds that this data may not always be available.

5.2 In response to this DARD is proposing not to make the provision of horse parentage data mandatory at this time, but this may be reviewed in the future.

6. Territorial Extent and Application

6.1 This Statutory Rule applies to Northern Ireland.

7. European Convention on Human Rights

7.1 The proposed legislation has been screened for these issues and none were identified.

8. Equality Impact

8.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups. There were no equality issues raised during the consultation on this legislation.

9. Regulatory Impact

9.1 A Regulatory Impact Assessment has been prepared for this instrument.

10. Financial Implications

10.1 There is already a high degree of compliance with these requirements within the equine industry. Consultation responses have shown there are no further financial implications.

11. Policy background

11.1 These Regulations enforce Commission Regulation (EC) No. 504/2008 in Northern Ireland. They provide for identification of horses, and replace the Horse Passports Regulations (Northern Ireland) 2004. Part 2 of the Regulations create offences for breach of provisions of the Commission Regulation. Part 3 provides that the Regulations are enforced by the Department of Agriculture and Rural Development for Northern Ireland and gives powers to inspectors of that authority. Breach of the Regulations is an offence punishable –

On summary conviction, to a fine not exceeding the statutory maximum or

On conviction on indictment, to a fine.

12. Contact

Seamus Hughes at the Department of Agriculture Tel: 02890 520836
or e-mail: seamus.hughes@dardni.gov.uk can answer any queries regarding
the Statutory Rule.

Transposition Note

This note explains how Commission Regulation (EC) No. 504/2008 is transposed in the Horse Passport Regulations (Northern Ireland) 2009.

Commission Regulation (EC) No. 504/2008 implements Council Directives 90/426/EEC and 90/427/EEC as regards method of identification of equidae.

Horse Passport Regulations (Northern Ireland) 2009 revoke The Horse Passports Regulations (Northern Ireland) 2004.

Commission Regulation (EC) No. 504/2008.

Regulation Article	Effect	Implemented by SR Article number	Comments
Annex 1 Section III Para 2	Sale of horses	3(1)	
3(1)	Requirement for all equidae to be identified.	4	
5(7)	States that no identification document may be altered.	5	
5(8), 16,17	Duplication or replacement of identification document must be in accordance with the Regulation	6	
8(1), 8(2)	Requirements for identification of imported equidae	7(a), 7(b)	
11(1)	Minimum qualification required for person implanting a transponder	8	
13(1)	Requirements for accompanying documentation for breeding and production animals	9	
15(1)	Requirements for accompanying documentation for slaughter animals	10	
16(1), 16(2), 16(3),	Duplicate and	11	

17	replacement identification documents		
19(1), 19(4), 19(5)	Procedure on death of equidae	12	
20(2), 20(3), 20(4)	Slaughter of equidae intended for human consumption and medication record	13	
20(4)	Withdrawal period	14	
21	Requirements for issuing bodies to keep database records.	15	
24	Prohibitions	17	

Equality and Human Rights Screening Template

December 2007



Department of
**Agriculture and
Rural Development**

www.dardni.gov.uk

DARD Equality and Human Rights Screening Template

DARD has a statutory duty to screen. This includes our strategies and plans, policies, legislative developments; and new ways of working such as – the introduction, change or end of an existing service, funding arrangement or facility. This screening template is designed to help business areas consider the likely equality and human rights impacts of their proposed decisions on DARD’s customers, service users, staff and visitors.

Section A - asks you to provide details about the policy / decision that is being screened.

Section B - has 4 key questions that require you to consider the likely impact on Section 75 equality groups. Details of all consultation activity should be recorded.

Section C - has 4 key questions in relation to obligations under the Disability Discrimination Order and the Human Rights Act.

Section D - is the formal record of the screening decision. It is important that all efforts to consult and consider evidence are recorded precisely throughout the entire screening process, in accordance with the terms of the Guidance Note at the end of the document.



Click on the Word icon to download the Screening Guidance

Section A

Details about the policy / decision to be screened

Title of policy / decision to be screened:-

The Horse Passports (Northern Ireland) Regulations 2010.

Brief description of policy / decision to be screened:-

An EC Regulation has been passed, requiring all horses to be microchipped when applying for a passport after 1 July 2009. It has been a legal requirement that all horses have a passport since 2004, and a high proportion of horses in Northern Ireland are already being microchipped by the Passport Issuing Organisations here. DARD will be making legislation to avail of certain EC derogations offered in respect of this Regulation, as explained in the attached consultation document.

Aims and objectives of the policy / decision to be screened:-

The aim of the EC Regulation, and any national legislation drafted to implement it, is to protect the human food chain from horsemeat contaminated with veterinary products not suitable for human consumption.

On whom will the policy / decision impact:-

The legislation will impact on horseowners seeking a horsepassport after the 1st July 2009, although a large proportion of horseowners here are already complying with these requirements. Horses already with passports before the 1st July 2009 will not be required to be retrospectively microchipped. Passport Issuing Organisations here will also be affected, as they will now need to ensure that passports are being issued to animals complying with the microchip requirement. Owners of exotic equine pets (such as Zebra) will also now need to obtain a passport for their animals, and see that they are microchipped if the animal is passported after the 1st July 2009.

Section B

1. Is there any evidence of higher or lower participation or uptake by different groups?

	Yes	No	Don't know
Religious belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Racial group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Evidence held? Outline all supporting evidence: No evidence of higher or lower participation or uptake by different groups is held. The following evidence is held: Consultants BDO Stoy Hayward were commissioned in 2005 by the equine industry to produce a report identifying strategic issues facing the equine sector.

No evidence held? Outline how you will obtain it:

The Department would welcome comments from Northern Ireland Horse Board, Show Jumping Association Ireland (Northern Region) and Weatherby's on any evidence of higher or lower uptake of the horse passporting requirements across the Section 75 categories.

2. Do different groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No	Don't know
Religious belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Racial group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marital status	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dependants	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Evidence held? Outline all supporting evidence: DARD has not identified an impact, positive or negative, on any of the above Section 75 groups in informal consultations with the industry.

No evidence held? Outline how you will obtain it: Comments are invited from all Section 75 groups on the area of their needs and priorities with respect to this issue.

3. Consultation is an integral part of policy development and policy screening. Have consultations with relevant groups, organisations or individuals indicated that policies of this type create problems that are specific to them?

	Yes	No	Don't know
Religious belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Racial group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Evidence held? Outline all supporting evidence: DARD has previously consulted the industry on its views on the last Horse Passports legislation (in Spring 2004), and has also had informal consultation with industry, Passport Issuing Organisations and industry representatives ECNI since then, on various related topics. These consultations have not raised any Section 75-specific issues or problems to date.

No evidence held? Outline how you will obtain it: Any comments from Section 75 groups, other organisations and individuals with an interest in equality issues are welcome in relation to problems they might have with these types of policies.

4. In relation to implementing this policy, is there an opportunity to better promote equality of opportunity or good relations by altering the policy or by working with others in Government or in the larger community?

	Yes	No	Don't know
Religious belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Racial group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Evidence held? Outline all supporting evidence: DARD is not aware of any opportunities to better promote equality of opportunity. This legislation is in direct response to EC regulation, and DARD has very limited scope for flexibility in implementing this legislation. However, any views or suggestions as to how the Department might better promote equality of opportunity would be welcome.

No evidence held? Outline how you will obtain it: Any comments on opportunities to promote equality surrounding this policy issue are welcomed by the Department.

Section C

DARD also has legislative obligations to meet under the Disability Discrimination Order and Human Rights Act. Questions 5 -9 relate to these two areas.

Consideration of Disability Duties

5. Does this proposed policy / decision provide an opportunity for DARD to better promote positive attitudes towards disabled people?

Explain your assessment in full This legislation is being implemented within the confines of EC regulations and DARD has not identified any opportunities to better promote positive attitudes towards disabled people.

6. Does this proposed policy / decision provide an opportunity for DARD to actively increase the participation by disabled people in public life?

Explain your assessment in full Any comments on better promotion are welcomed by the Department.

Consideration of Human Rights

7. Indicate below (by placing an X in the appropriate box) any *adverse impacts* of the policy / decision in relation to the Human Rights Articles as set out in the European Convention of Human Rights.

Right to Life	Article 2	<input type="checkbox"/>
Prohibition of torture, inhuman or degrading treatment	Article 3	<input type="checkbox"/>
Prohibition of slavery and forced labour	Article 4	<input type="checkbox"/>
Right to liberty and security	Article 5	<input type="checkbox"/>
Right to a fair and public trial	Article 6	<input type="checkbox"/>
Right to no punishment without law	Article 7	<input type="checkbox"/>
Right to respect for private and family life, home and correspondence	Article 8	<input type="checkbox"/>
Right to freedom of thought, conscience and religion	Article 9	<input type="checkbox"/>
Right to freedom of expression	Article 10	<input type="checkbox"/>
Right to freedom of assembly and association	Article 11	<input type="checkbox"/>
Right to marry and to found a family	Article 12	<input type="checkbox"/>
The prohibition of discrimination	Article 14	<input type="checkbox"/>
Protection of property	Protocol 1 Article 1	<input type="checkbox"/>
Right to education	Protocol 1 Article 2	<input type="checkbox"/>
Right to free and secret elections	Protocol 1 Article 3	<input type="checkbox"/>

8. Please explain any adverse impacts on human rights that you have identified None applicable.

9. Please indicate any ways which you consider the policy positively promotes human rights None applicable.

Section D

Formal Record of Screening Decision

Title of Proposed Policy / Decision being screened – The Horse Passports
(Northern Ireland) Regulations 2010.

I can confirm that the proposed policy / decision has been screened for –

- equality of opportunity and good relations
- disabilities duties; and
- human rights issues

On the basis of the answers to the screening questions, I recommend
that this policy / decision is –

- *Screened Out – No EQIA necessary
- *Screened In – Necessary to conduct a full EQIA

*(please check appropriate box above)

Screening assessment completed by (Staff Officer level) -

Name: JONATHAN MCADAMS

Grade: SO

Date:

Branch: Farm Policy Branch

Details of all consultation/engagements undertaken in making the Screening Assessment *

Signature: please insert a scanned image of your signature below

Screening decision approved by (must be G7 or above) -

Name: PETER TONER

Grade: G7

Date:

Branch: Farm Policy Branch

Signature: please insert a scanned image of your signature below

This screening assessment will be copied to all those who contributed to this screening exercise and to all groups listed on the DARD s75 contact and consultee list.

Signed and date actioned:

Please save the completed screening form within TRIM



Strategic Management DARD - Equality Promotion & Implementation - Equality Schemes - Equality Screening of Departmental Policies.tr5

and also forward the TRIM reference for the signed electronic copy to Equality Branch at equalitybranch@dardni.gov.uk

For more information about screening, contact –

DARD Equality Branch
Room 509
Dundonald House
Upper Newtownards Road
Belfast BT4 3SB
Telephone 028 9052 4435
Textphone 028 9052 4420

Or check out our intranet site

http://dardintranet/coord_intranet/EqualityBranch/index.shtml

***Guidance Note**

Consideration of evidence at each section of this screening assessment should be recorded in detail, in accordance with the following terms:

- Names of all groups and/or individuals consulted, noting (where appropriate) the Section 75 category or stakeholder interest being represented
- Nature of consultation/engagements undertaken, including date, time, location and method (whether in writing; by phone or email; or in person)
- Source and status of all evidential data presented (Title, date, author, publisher, page reference)



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