

Explanatory Memorandum for The Cattle Identification (Wales)(Amendment) Regulations 2013

This Explanatory Memorandum has been prepared by the Department for Natural Resources and Food and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

1. In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the above listed Regulations.

Alun Davies AM
Minister for Natural Resource and Food.

9 April 2013

1. Description

These Regulations amend the Cattle Identification (Wales) Regulations 2007 to include changes to European Regulation 494/98 with regards administrative sanctions in cases of failure to prove the identification of an animal.

The change will improve the speed and accuracy of cattle reporting by enabling reports to be made electronically or by telephone.

In addition slaughterhouse operators will be required to report the deaths of all cattle slaughtered on a holding within 7 days.

2. Matters of special interest to the Constitutional Affairs Committee

The Regulation will be subject to negative resolution of the National Assembly for Wales. Section 2(2) confers powers on any designated Minister to implement a European obligation, under S2.2 the Minister decides which procedure to use under the EC Act 1972.

These Regulations do not amend an Assembly Act or Measure, or an Act of Parliament, nor do they create offences, impose civil penalties or involve government expenditure.

Accordingly, the Welsh Ministers have determined that these Regulations are to be subject to the negative resolution procedure. The changes have been piloted, accepted and are being used by the industry. This amendment is to formalise this positive change.

3. Legislative Background

The amendment will give effect to Regulation 1760/2000 of the European Parliament and Council establishing a system for the identification and registration of bovine animals.

The amendment is made using powers contained in section 2(2) of the European Communities Act 1972. Section 2(2) confers powers on any designated Minister to implement a European obligation.

The Welsh Ministers are designated to act in relation to Wales by the European Communities (Designation) (No 5) Order 2010 (S.I. 2010/2690) in relation to the Common Agricultural Policy and under European Communities (Designation)(No2) Order 2008 (S.I. 2008/1792) in relation to veterinary and phytosanitary fields for the protection of human health.

2. The Regulations follow the negative resolution procedure.

4. Purpose and intended effect of the legislation

The legislative changes are to enable the reporting of the animal's death (at abattoir) by electronic and telephony (CTS Online and CTS Web Services) means, and thereby get a larger proportion of deaths reported within the 7 day deadline. Passports will still have to be returned to the British Cattle Movement Service, but the slaughterhouse will no longer have to also annotate the passport.

The revised Regulations will require all slaughterhouse operators to report the deaths of all cattle slaughtered on the holding within 7 days of the event to Cattle Tracing System (CTS), using:

- The Cattle Tracing System interactive website (CTS Online);
- The British Cattle Movement System's (BCMS) automated telephony service; or
- In writing, by completing the back page of the passport and returning it to BCMS.

The legislative changes will enable the use of electronic and telephony (CTS Online and CTS Web Services), for reporting births, movements and deaths of cattle.

EC Regulation 494/98 has been amended to reflect changes to the compulsory slaughter, with regards administrative sanctions in cases of failure to prove the identification of an animal; the legislative change is to comply with the European Regulation amendment.

5. Consultation

No consultation has been undertaken in respect of this statutory instrument.

6. Regulatory Impact Assessment (RIA)

No RIA has been prepared for this statutory instrument as it is considered that the instrument only facilitates technical and routine amendments. It has no major policy impact.