

Explanatory Memorandum to Equine Identification (Wales) (Amendment) Regulations 2019

This Explanatory Memorandum has been prepared by the Department for Economy, Skills and Natural Resources 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

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Equine Identification (Wales) (Amendment) Regulations 2019 and I am satisfied that the benefits justify the likely costs.

Lesley Griffiths

Minister for Environment, Energy and Rural Affairs:

20 March 2019

1. Description

The aim of these Regulations is to make one amendment to the Equine Identification (Wales) Regulations 2019 (the 2019 Regulations). These Regulations amend the 2019 Regulations to substitute 'responsible person' in regulation 8 with 'owner'. These Regulations ensure that the system of equine identification set out by Regulation 2015/262 functions effectively in Wales. This system includes requirements in relation to the identification of equines and the identification document in relation to an equine, the marking of equines by way of a transponder, and a central database.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

The Equine Identification (Wales) Regulations 2019 (the 2019 Regulations) were made on 15 January 2019 and laid before the National Assembly on 17 January 2019. On 30 January the Constitutional and Legislative Affairs Committee identified one point for reporting under Standing Order 21.2(v) (that for any particular reason its form or meaning needs further explanation) in respect of the 2019 Regulations. The Minister for Environment, Energy and Rural Affairs agreed that a short amending Statutory Instrument would be drafted which substituted 'responsible person' in regulation 8 of the 2019 Regulations with 'owner'. The change being made does not constitute a change in policy; it addresses the concern raised by the Committee and requires an owner to ask the issuing body to modify or update an equine's ID, if the owner believes that any identity details contained in the equine's ID require modification or updating.

The SI is being laid under the 'Negative Procedure' with deviation from the standard 21 day laying period. Breaching the 21 day rule will allow the Regulations to come into force before the 29th March when the UK withdraws from the EU, and on which date the 2019 Regulations will also be subject to amendment by the Equine Identification (Wales) (Amendment) (EU Exit) Regulations 2019 in order to ensure the effective operation of the Regulations following withdrawal of the UK from the EU. A breach of the 21 day rule is therefore thought necessary and justifiable in this case.

3. Legislative background

The 2019 Regulations implement Commission Implementing Regulation (EU) 2015/262 of 17 February 2015, regarding the identification of equidae and known as the Equine Passport Regulation. The Equine Identification (Wales) (Amendment) Regulations 2019 make one amendment to the 2019 Regulations so as to replace 'responsible person' in regulation 8 of the 2019 Regulations with 'owner'.

The Welsh Ministers are designated (by way of the European Communities (Designation) (No. 5) Order 2010, S.I. 2010/2690) for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy of the European Union. The Equine Identification (Wales) (Amendment) Regulations 2019 are made in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the 1972 Act.

These Regulations are being made under the negative resolution procedure and will come into force on 28 March 2019.

4. Purpose & intended effect of the legislation

Regulation 2015/262 came into force on 1 January 2016. The Equine Identification (Wales) Regulations 2019 implement Regulation 2015/262 in Wales and support the requirement that all

equines moving in, to or through the EU must be identified in accordance with Regulation 2015/262 and that the human food chain is protected against animals treated with potentially harmful veterinary medicines.

These Regulations supplement and make provision for the enforcement of Commission Implementing Regulation (EU) 2015/262. The overall purpose of these amending Regulations is to address the issues raised by the Constitutional and Legislative Affairs Committee. They correct the 2019 Regulations by substituting 'responsible person' in regulation 8 of the 2019 Regulations with 'owner'. The amendment does not constitute a change in policy and will mean that the position adopted under the equivalent regulations for England, is mirrored. It will remove the potential for an owner to be unaware of the keeper's belief that the ID needs to be amended.

5. Consultation

A 12 week consultation was carried out in connection with the 2019 Regulations. No consultation was carried out in relation to these Regulations, as only one minor correction is made to the 2019 Regulations.

6. Regulatory Impact Assessment (RIA)

An Explanatory Memorandum and fully scoped RIA to support the 2019 Regulations has been completed and can be found here:

<http://senedd.assembly.wales/documents/s83239/EM%20SL5304%20-%20The%20Equine%20Identification%20Wales%20Regulations%202019.pdf>

No separate RIA has been completed for these amendment Regulations as they only make one minor amendment to the 2019 Regulations, the impact of which has already been addressed within the RIA referenced above. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a Regulatory Impact Assessment as to the likely costs and benefits of complying with these Regulations.