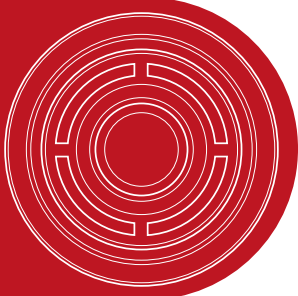




An inspection of the  
**DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT  
FRAUD INVESTIGATIONS AND  
ENFORCEMENT ACTIVITIES**

August 2017





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AND RURAL DEVELOPMENT FRAUD  
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ACTIVITIES**

Laid before the Northern Ireland Assembly under Section 49(2) of the Justice (Northern Ireland) Act 2002 (as amended by paragraph 7(2) of Schedule 13 to The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010) by the Department of Justice.

August 2017



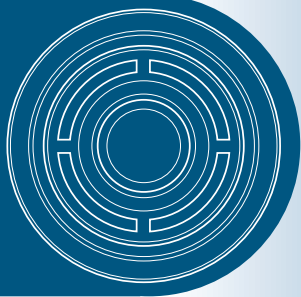
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## List of abbreviations

<b>CAP</b>	Common Agriculture Policy (agriculture policy of the European Union which implements a system of subsidies and other programmes).
<b>CIS</b>	Central Investigation Services.
<b>CJI</b>	Criminal Justice Inspection Northern Ireland.
<b>DAERA</b>	Department of Agriculture, Environment and Rural Affairs (which replaced DARD as a Government Department within Northern Ireland from May 2016).
<b>DARD</b>	Department of Agriculture and Rural Development (Northern Ireland Government Department which preceded the formation of DAERA).
<b>DFP</b>	Department of Finance and Personnel (former Government Department in Northern Ireland which was replaced by the Department of Finance from May 2016).
<b>DOF</b>	Department of Finance (Northern Ireland Government Department which replaced DFP from May 2016).
<b>DVO</b>	Divisional Veterinary Offices
<b>EU</b>	European Union.
<b>NI</b>	Northern Ireland.
<b>NIEA</b>	Northern Ireland Environment Agency.
<b>NIM</b>	National Intelligence Model.
<b>PPS</b>	Public Prosecution Service for Northern Ireland.
<b>PSNI</b>	Police Service of Northern Ireland.
<b>SMR</b>	Statutory Management Regulations.
<b>UK</b>	United Kingdom.
<b>VS</b>	Veterinary Service.
<b>VSEB</b>	Veterinary Service Enforcement Branch.



# Chief Inspector's Foreword

Farming and food production make a significant contribution to the Northern Ireland economy. It is essential that the public have confidence in this industry and that the marketing of Northern Ireland produce can maintain and where possible, improve its reputation for quality and high standards of animal welfare.

Most farmers have a deep commitment and respect for the land and the food that is produced. A small number however are cavalier about standards, procedures and animal welfare. This inspection examines the role played by both the Central Investigation Service and the Veterinary Service Enforcement Branch in the Department of Agriculture, Environment and Rural Affairs (formerly Department of Agriculture and Rural Development), and their respective roles in protecting against error and fraud and securing compliance with agricultural regulations and animal welfare legislation.

In common with other Government Departments, these investigatory bodies seek compliance through warning and alternatives to prosecution before resorting to the criminal law. Their investigations are thorough and the files prepared for prosecution are generally of a high standard. Inspectors found no evidence of any influences levied on either investigators or officials and conflicts of interest appeared to be well handled.

While we have made no strategic recommendations, there are a number of areas for improvement included in this report. We believe that with the merger of the former Department of Agriculture and Rural Development with the Northern Ireland Environment Agency (NIEA), there is an opportunity to take a more robust and strategic approach to prolific offenders and high risk enterprises.

This inspection was conducted by Dr Stephen Dolan and Dr Ian Cameron. I would like to thank all those who supported them in their work.

**Brendan McGuigan**  
**Chief Inspector of Criminal Justice**  
**in Northern Ireland**

August 2017



# Executive Summary

This inspection by Criminal Justice Inspection Northern Ireland (CJI) focused on two elements of the enforcement activity of the former Department of Agriculture and Rural Development for Northern Ireland (DARD)<sup>1</sup>: the Central Investigation Service (CIS) and Veterinary Service Enforcement Branch (VSEB).

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## **Central Investigation Service (CIS)**

The purpose of the CIS was to investigate potential fraud cases that primarily arose from over 23,000 applications for payments worth around £250 million issued by DARD annually. In the course of its work, the CIS provided advice to other Government Departments and developed training programmes, guidance and counter-fraud strategies and response plans.

Following reforms of the European Union (EU) Common Agriculture Policy (CAP) in 2005 and 2013, the number of claims prone to error and possible fraud fell with a consequent reduction in the number of referrals to the CIS (in 2014, the CIS received only 15 referrals compared to 115 in 2012). The underlying level of fraud detected across the Northern Ireland (NI) Civil Service was low and the need for a specific unit in DARD was no longer justified, resulting in the transfer of fraud investigation to a centralised unit within the Department of Finance (DoF) in 2016.

CJI Inspectors examined a number of CIS case files, reviewed its policies and guidance and spoke with the Public Prosecution Service for Northern Ireland (PPS) in respect of files forwarded for possible prosecution. The overall standard of work was found to be high. The PPS raised no issues with the approach taken or the quality of files presented to them. Internal audit reports gave satisfactory assurances. CJI Inspectors found no evidence that investigations or officials within the CIS were subject to any inappropriate internal or external influences.

CJI Inspectors also found no evidence that the CIS was either over-zealous in its pursuit of claims or lax in its investigations. CJI has recommended that the Department of Agriculture, Environment and Rural Affairs (DAERA) should maintain representation on the Counter Fraud Forum and promote and fully support their whistle blowing policy.

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1 The Department of Agriculture and Rural Development was replaced from May 2016 by the Department of Agriculture, Environment and Rural Affairs after the number of Northern Ireland Government Departments was reduced from 12 to nine.

## Veterinary Service Enforcement Branch (VSEB)

The Veterinary Service Enforcement Branch provided a specialist resource within the Veterinary Service of the Department focusing on compliance with statutory requirements including TB<sup>2</sup> testing, animal welfare obligations and food safety. The VSEB inspected, investigated and where necessary, prosecuted serious or persistent offenders in accordance with DARD's Enforcement Policy. Over the period 2012-15, the VSEB carried out 863 investigations with 129 (16%) cases deemed sufficiently serious to warrant prosecution in court, of which 90% of these cases resulted in conviction confirming the view expressed to Inspectors by the PPS that the files the VSEB presented to the PPS were of good quality.

The VSEB took the decision not to prosecute in a quarter of cases due to insufficient evidence with around half of the cases subsequently complying with the standards or receiving warning letters.

In the reporting year 2014, a total of 49 files were referred to the PPS by the VSEB giving rise to 32 convictions including four custodial sentences. Fines totalling £28,000 were imposed.

The majority of the inspection personnel working on behalf of the VSEB would have local knowledge of the farming communities in which they worked. Whilst this provided useful insight,

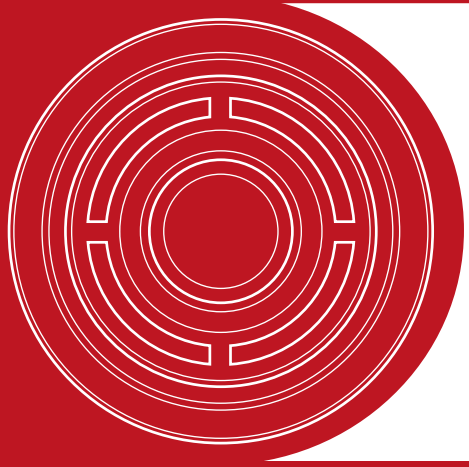
it could also lead to claims that a conflict of interest might arise. CJI Inspectors reviewed files, met with management and inspection teams and found no evidence that investigations were subject to any internal or external influence. By way of assurance, VSEB management regularly reviewed investigations, double checked fieldwork and the Animal Welfare Panel of the Veterinary Service carried out a separate assessment of evidence before investigations went ahead. In the view of Inspectors, potential conflicts of interest were handled well.

The incorporation of the Northern Ireland Environmental Agency (NIEA) and its Environmental Crime Unit into the newly formed DAERA offers an opportunity to share data on the serious offenders and mount joint operations. The NIEA already operates under the National Intelligence Model (NIM) and is developing a comprehensive risk matrix that could usefully be shared with the VSEB enforcement teams in their planning. CJI Inspectors were aware of the joint planning work being undertaken by VSEB and NIEA staff and would encourage them to develop a strategic risk assessment of the prolific and serious offenders operating under the guise of farming enterprises.

While this report makes no strategic recommendations, a number of areas for improvement are included.

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2 Bovine Tuberculosis (TB) is a chronic disease of animals caused by a bacteria called *Mycobacterium bovis* (M.bovis).



# Inspection Report





# Background and overview

## **The role of the Department of Agriculture and Rural Development in inspection, investigation and enforcement**

- 1.1 Although at first glance an inspection by CJI of the Department of Agriculture and Rural Development (DARD)– now the Department of Agriculture, Environment and Rural Affairs (DAERA)<sup>3</sup> - may appear inconsistent, the Department has enforcement powers through a range of legislation including the welfare of animals, identification, registration and movement of animals, controlling animal disease and veterinary public health and food safety<sup>4</sup>. In 2015, both the Central Investigations Service (CIS) and the work of Veterinary Service Enforcement Branch (VSEB) were added to the list of bodies subject to inspection by CJI.
- 1.2 The Department also carried out a range of inspections for compliance with EU regulations that, in some instances where a serious breach arose, could give rise to enforcement action. This inspection covered two separate elements of DARD fraud investigation and enforcement activity. Firstly, the work of the CIS that dealt with cases of suspected fraud. Secondly the inspection and enforcement work carried out by the Veterinary Service.
- 1.3 During the course of this inspection the work of the CIS transferred to the DoF (formerly Department of Finance and Personnel (DFP)) and the Veterinary Service was subject to restructuring during the establishment of the Department of Agriculture, Environment and Rural Affairs (DAERA). As a result the CIS inspection element of this report is by nature retrospective and only areas of improvement are proposed for certain elements of policy and procedure.
- 1.4 As an EU paying agency responsible for disbursing significant funds across a range of support schemes, the Department was responsible for ensuring compliance with the scheme requirements including investigating fraud and carrying out enforcement action. Fraud perpetrated against financial programmes was investigated by the CIS.

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3 A recent restructuring of NI Government Departments created the Department of Agriculture, Environment and Rural Affairs (DAERA) incorporating the NI Environmental Agency alongside existing DARD units.

4 Please see Appendix 2 for a list of the relevant legislation.

- 1.5 Inevitably, there were instances of fraudulent claims and CIS conducted investigations and prepared case files - some of which, if warranted, - would be forwarded to the PPS. Through this, the CIS developed a specialised knowledge of this type of work. As awareness of the capabilities of the CIS spread, its advice was sought by other Government Departments and agencies to which it provided advice on investigation and file preparation. Over time the CIS produced general guidance on the investigation process and raising fraud awareness, through a range of initiatives including training courses and publicity campaigns.
- 1.6 Other inspections relating to animal health and welfare, public health and food safety amongst others were carried out by relevant branches in DARD. The legislation listed in Appendix 2 provided DARD with enforcement powers to ensure that appropriate standards of animal welfare were met, that animals were not subjected to unnecessary suffering, and that farmed animals in distress were dealt with appropriately. DARD also licensed the import and export of animals and agricultural products, enforced the regulations governing the identification, registration and movement of animals and carried out inspections at meat plants on behalf of the Food Safety Agency. Where there were suspected breaches of regulations, the Veterinary Service would conduct investigations.
- 1.7 Reflecting its statutory role and the high value that society places on animal health and welfare, food safety and environmental issues, DARD's Strategy 2020 emphasises compliance with EU, United Kingdom (UK) and NI legislation with a programme of inspection, sampling and enforcement.
- 1.8 The 2015 agricultural census indicated that there are 24,900<sup>5</sup> farm businesses in Northern Ireland. In 2015 there were 23,841 eligible applications for the EU-funded Basic Payment Scheme<sup>6</sup> with £266 million paid out in 2013-14 and £240 million in 2014-15. The scale of payments to farmers was very significant totalling £1.78 billion paid during the 2007-2013 EU Budget period (under Pillar 1 of the CAP). A similar amount was expected to be paid out in the 2014-2020 period, although this will depend on the Euro/Sterling (€/£) exchange rate<sup>7</sup>. This represents around 70% of the total EU funds contributed to Northern Ireland.
- 1.9 The agri-food sector accounts for 6% of total employment in Northern Ireland (around 100,000 jobs) and taken together the farming, food processing and drinks industries annually contribute almost £4 billion to the local economy<sup>8</sup>. The agri-food sector is the most important indigenous element of the NI economy.

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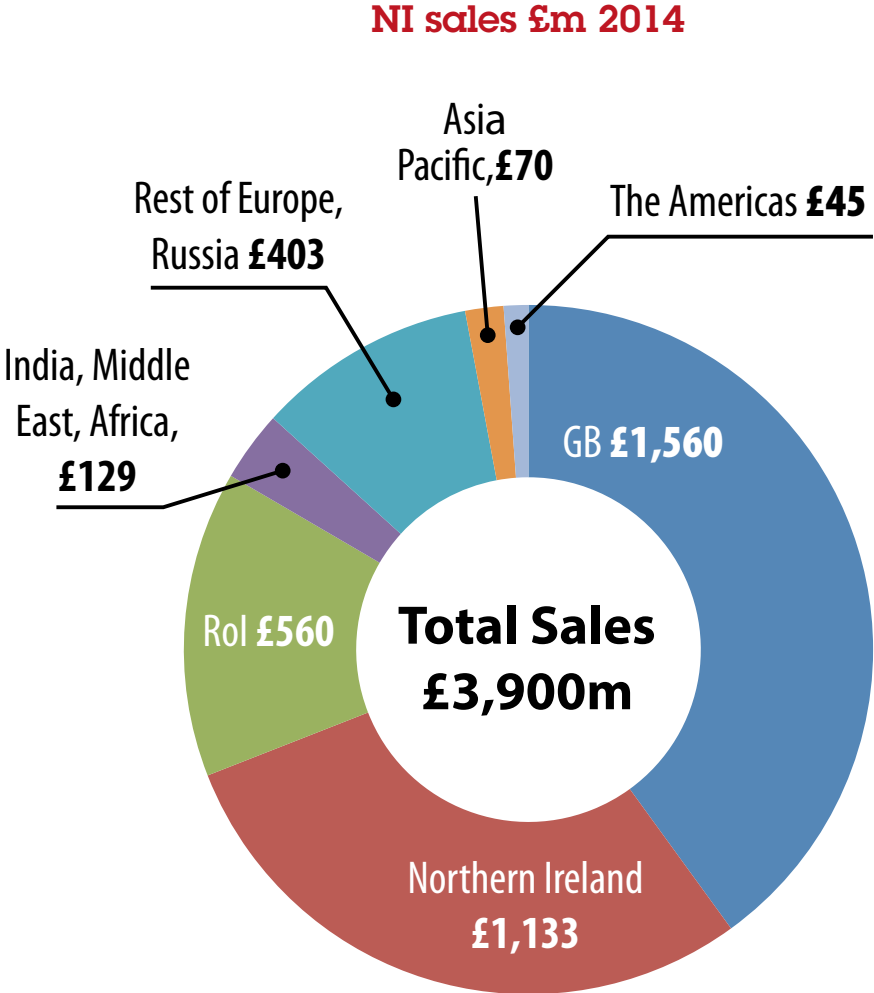
5 Source: DARD, The Agricultural and Horticultural Census.

6 Assembly Question Oral Answer AQO 157/16-21

7 A fall in the value of Sterling will increase the value of the EU payments to NI.

8 DARD Strategic Plan, 2012-20

Figure 1: Total Value of NI agri-food sector sales - 2014





# Strategy and governance

## Regulatory Governance

- 2.1 Inspection, enforcement and investigation activity within DARD is underpinned by a comprehensive array of legislation governing the registration, transport, health and welfare of animals, animal feedstuff, milk and eggs production, countryside management, quality and labelling, cross compliance and animal welfare. Significant among these was the Welfare of Animals Act (NI) Act 2011; Diseases of Animal Act 2010; The Animal By-Products (Enforcement) Regulations (NI) 2015 that (*inter alia*) underpinned the rights of DARD to appoint Inspectors, to examine records, to enter and search premises and to seize animals and/or equipment; the Animal Feed (Hygiene, Sampling etc and Enforcement Regulations (NI) 2016 supporting DARD's work as Enforcement Authority for Animal Feeds; and the Welfare and Transport of Animals Regulations. (A full list of the legislation can be found in Appendix 2.)
- 2.2 The other primary driver behind the inspection and enforcement regime is the implementation of the EU CAP budget. The driving force behind the extent and level of detail required from on-farm inspections across the UK and in NI is the European Commission's legal responsibility for implementation of the CAP budget (under article 317 of the Treaty on the Functioning of the European Union)<sup>9</sup>. Specifically Article 59 of the Financial Regulation provides that the '*Commission and Member states shall fulfil their respective audit obligations and assume the resulting responsibilities*.'
- 2.3 Non-compliance with EU regulations could and did lead to financial disallowances at Member State level and non-compliance with the Statutory Management Requirements gave rise to reductions in subsidy payments at the farm business level.

## DARD Enforcement Guidance

- 2.4 DARD produced an enforcement guidance policy with the purpose of providing information to stakeholders and guidance to staff on the Department's approach to enforcement. The policy stated that the Department would target its enforcement effort on individuals or businesses that:

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<sup>9</sup> C 83/186 <http://eur-lex.europa.eu?LexUriServ.do?uri=OJ:C2010:083:0047:0200:EN:PDF>

- cause or risk serious harm to policy outcomes;
- persistently cause or risk harm to policy outcomes;
- operate outside the regulatory regime intended to deliver policy outcomes;
- intentionally break the law; and
- commit an offence for the purposes of obtaining a specified payment from an EU funded support scheme.

The policy also listed general public interest factors that DARD officials might highlight to the PPS including:

- the seriousness or significance of breach or offence;
- the harm caused or likely to be caused;
- where the harm has not been remedied;
- where the offence is prevalent;
- where the offence has resulted in financial loss to an individual, company or society;
- where the offence is premeditated;
- where the offence is against an authorised officer or other person serving the public;
- likelihood of continuance of the offence or repeat offences;
- previous convictions/cautions;
- offences carried out by someone in a position of authority or trust; and
- offences carried out by a group.

## Central Investigation Service

- 2.5 The CIS was a business unit within DARD which at one time had five full time fraud investigators and a Head of Unit. It had primary responsibility to investigate incidents of suspected fraud referred to it by other business areas within the Department through agreed protocols. Where investigations warranted it, the CIS would prepare files for prosecution and also supported other areas of DARD in the preparation of prosecution files. Through a series of Service Level Agreements, the CIS provided assistance to other Departments investigating fraud cases and in the preparation of prosecution files.
- 2.6 In conjunction with its investigatory role the CIS delivered a range of counter fraud functions in line with good corporate governance and best practice to combat public sector fraud. The counter fraud functions encompassed training in fraud awareness, advice on investigation procedures and court skills and advice and guidance to line management on managing the risk of fraud and fraud proofing. The CIS had responsibility for developing and reviewing the Department's counter fraud policy, fraud response plan and co-ordinating the implementation and effective delivery of the Department's Counter Fraud Strategy and associated targets. The Counter Fraud Strategy affirmed the Department's commitment to combat fraud supported a zero tolerance approach to fraud and subjected all suspected frauds to investigation.

- 2.7 In compliance with Managing Public Money NI, cases of suspected fraud were notified to the DFP (now DoF) and the Northern Ireland Audit Office's Comptroller and Auditor General. In fulfilling its statutory requirements the Department participated in the UK Government's National Fraud Initiative. The CIS represented the Department on the Inter Departmental Fraud Forum established by the DFP to co-ordinate work on tackling fraud and provided a forum for the exchange of information/experience for mutual benefit. Inspectors suggest that a **representative from DAERA should continue to represent the Department on the Inter-Departmental Fraud Forum.**

### CIS Prosecution Policy

- 2.8 All suspected cases of fraud referred to the CIS were assessed and where there were reasonable grounds for suspicion of irregularities or that a fraud had been committed, the case was investigated. If, after investigation, there was sufficient evidence to proceed with legal action, cases were referred to the PPS.
- 2.9 CJI Inspectors expressed some concern that CIS prosecution policies included a Public Interest Test that would more correctly fall to the PPS. (CJI highlighted a similar issue in the Environmental Crime Unit of the former Department of the Environment.) There was no evidence the CIS administered the test but in practice, they highlighted public interest factors to the PPS who applied the actual test if appropriate. DARD officials told Inspectors that the only reason cases files were not forwarded to the PPS was due to insufficient evidence and not the application of the Public Interest Test. In more serious cases of suspected fraud, the investigations were referred to the Police Service of Northern Ireland (PSNI).

### CIS Investigation Closure Policy

- 2.10 The CIS Investigation Closure Policy set out four criteria whereby investigation closure was considered appropriate:
- Closure 1 (C1) - Public Interest Factors;
  - Closure 2 (C2) - Technical Factors;
  - Closure 3 (C3) - No evidence of fraud or irregularity; or
  - Closure 4 (C4) - Director of Public Prosecutions Service (PPS) Direction.

As per paragraph 2.9, the wording of the closure policy suggested that the CIS could close an investigation on the basis of Public Interest Factors (*a de facto* public interest test) but in practice, they highlighted public interest factors to the PPS who applied the actual test.

### CIS Services, DARD and other Departments

- 2.11 To ensure that there was consistent, timely and effective reporting and investigation of all suspected fraud and irregularities, the CIS developed appropriate protocols with a number of key business areas within DARD. These included EU Area-Based Schemes Division, Veterinary Service, Agri-food Inspection Branch, Rural Development Division, Forest Service, Rivers Agency and Fisheries and Environment Division.

- 2.12 Through the NICS Fraud Forum the Department shared its best practice to counter Public Sector fraud with other NICS Departments and Public Bodies. It was testimony to the effectiveness of the CIS that other Departments sought Service Level Agreements for the provision of advice and support to fraud investigations.
- 2.13 Inspectors examined a sample of investigation files, held interviews with the CIS, PPS, VSEB staff and field staff, to discuss the investigation, file preparation and referral process. Specifically, there was no evidence that investigations, file preparation and the procedure for referral were subject to any internal or external influence.

### **Veterinary Service Inspection and Compliance**

- 2.14 The Veterinary Service of DARD was responsible for enforcing compliance with legislation in its three key work areas protecting Animal Health, Animal Welfare and Public Health. Although all staff within Veterinary Service have a role to regulate and enforce, a specialist Veterinary Service Enforcement Branch (VSEB) worked to achieve the principal objective of compliance with statutory requirements for example TB testing, animal welfare obligations and food safety. The VSEB inspected, investigated and where necessary prosecuted, serious or persistent offenders in accordance with the Department's Enforcement Policy.
- 2.15 The main responsibilities of the Branch were:
- developing enforcement strategy with senior management;
  - implementing Veterinary Service enforcement policies;
  - organising and monitoring field enforcement actions;
  - training staff;
  - assembling and auditing prosecution files;
  - liaising with operational partners;
  - organising court witnesses and advising Public Prosecution Service (PPS) lawyers; and
  - undertaking various programmes of inspections including high risk Cattle Identity Inspections and Animal Market Inspections.

### **Divisional Veterinary Offices**

- 2.16 Within DARD there were 10 Divisional Veterinary Offices (DVOs) throughout Northern Ireland that delivered a range of inspections through enforcement trained staff focusing on Disease Control (especially TB) whilst ensuring compliance with animal welfare programmes and eligibility for certain farm payment schemes.

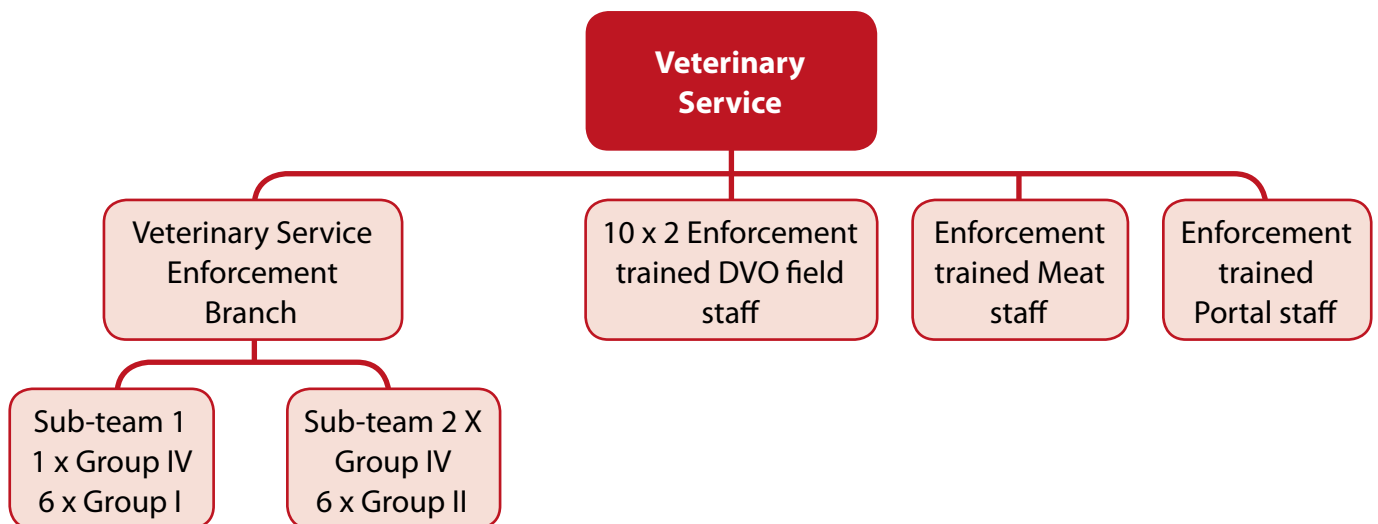
### **Field Enforcement Teams**

- 2.17 Enforcement-trained staff undertook enforcement activities, in addition to their other day-to-day duties. These staff were mainly present in the 10 Divisional Veterinary Offices but also included some Meat Plant and Portal staff. Their main enforcement duties were:

- delivering Veterinary Service enforcement policies;
- conducting investigations;
- preparing prosecution files;
- animal identification and movement irregularities;
- illegal cross-border activities;
- tuberculosis control scheme;
- food safety;
- enforcement of biosecurity, identification and movement controls in livestock markets;
- enforcement of welfare and biosecurity in transport vehicles; and
- illegal importation, distribution and use of counterfeit and unauthorised veterinary medicines. (Veterinary Service had joint responsibility with the Department of Health, Social Services and Public Safety (DHSSPS) now Department of Health (DoH).

2.18 Staff within the VSEB handled more challenging and complex enforcement investigations, such as instances where farmers would not co-operate with regular inspections and to manage prosecutions. All the investigators within the team were qualified through a bespoke course to OCN Level 4<sup>10</sup> in line with recommendations from earlier reviews that the 'Veterinary Service Enforcement Unit should be strengthened'. The governance of the team was also improved with better oversight and monitoring of its workload.

**Figure 2: Enforcement Work of Veterinary Service**



### Objectivity and Impartiality

2.19 Within the Veterinary Service any proposed prosecution file on animal welfare grounds was referred to the Veterinary Service Welfare Programme Board. This comprised a panel of senior Veterinary Service staff that reviewed each file and decided whether or not it should be investigated. During the period 2012-15, 16% of cases were referred to the PPS with a 90% conviction rate.

<sup>10</sup> Open College Network (OCN) Level 4 qualification.



- 2.20 The establishment of the panel provided a strategic context and an element of moderation to ensure that the most appropriate cases were investigated. It also removed the perception that the fate of an investigation lay in the hands of a particular DARD official.
- 2.21 CJI raised the possibility of DARD officials applying a Public Interest Test that might result in an investigation being dropped, even if there appeared to be sufficient evidence. However, in this instance DARD officials confirmed with CJI Inspectors that the Veterinary Service panel only made a public interest determination on investigations to ensure that not all the cases were focussed on one species for example, cattle whilst the pig/poultry transporters were ignored. Once an investigation was complete Veterinary Service always left the Public Interest Test to the PPS. To ensure that there is a consistent approach to the Public Interest Test **the Department should make explicit in its Prosecution Policy that it does not apply the Public Interest Test to case files, but only highlights public interest indicators to the PPS.**
- 2.22 In line with the findings in the CIS, Inspectors did not find any evidence that staff at the local offices of the Veterinary Service, lacked objectivity in their dealing with the farming community despite - in many instances - their close ties to the community. When asked about balancing any potential risks of conflicts of interest, Veterinary Service did not have any specific measures in place but were assured that their staff acted in an objective manner. Inspectors were told that following an inspection, assessment forms are signed by the Veterinary Service Inspector and countersigned by the case manager with more serious breaches referred up the line and animal welfare issues investigated by veterinary staff. Additionally, where animal welfare cases were deemed serious, they were referred to the Welfare Panel that assessed whether there were grounds for an investigation. In instances where the breaches were part of a cross compliance inspection relating to EU support payments, the cases were referred to Payments Branch for possible deductions.
- 2.23 These checks and balances provided a level of assurance that conflicts of interest did not have any undue balance. That said, dispelling the perception of conflict of interest is best met with tangible evidence of mitigation. To this end DARD included an element of double working on many work programmes including cross-compliance inspections with spot checks by line managers of the work of the inspection teams. This was supported by official guidance on declarations of conflicts of interest.
- 2.24 Notwithstanding this, on occasions various views have been expressed through the media and from farming groups and its representatives that officials were sometimes over-zealous in their application of inspections. There were allegations of bias reported in the local media that certain farmers were targeted due to their community background. Similarly, there were accusations that DARD tended to 'gold plate' the EU legislation. Department officials were very clear when stating to Inspectors that there was no 'gold plating' applied and went further to say DARD operated to the same Cabinet Office guidance applied in the rest of the UK that only the minimum level of intervention to meet EU requirements was necessary.

DARD officials also stated that the legislation ensured that there was a suitable regime in place with appropriate levels of intervention to properly enforce EU legislation. Inspectors did not attempt to validate these views but a detailed review in Scotland<sup>11</sup> found little evidence of the Scottish Department exceeding the EU requirements in its application and there was no reason to believe that DARD operated any differently.

- 2.25 Although difficult to collate and probably incomplete, Inspectors suggest **there would be benefit in using census or payments data to capture some analysis of inspections and enforcement broken down by community background (Section 75 groupings)<sup>12</sup> across the Divisional Offices.** This would provide some assurances that the policy and procedures were applied in an equitable manner.

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11 <http://www.scotland.gov.uk/farmregulation-doingbetter>

12 Section 75 of the Northern Ireland Act 1998 states that a public authority will promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; between men and women generally; between persons with a disability and persons without; between persons with dependants and persons without.



# Service delivery

## The inspection regime

- 3.1 The detailed veterinary inspection regime was dictated to a large extent by the relevant veterinary legislation which set out the frequency for the various inspection programmes. For example the rate of inspection for Cattle Identification Inspections (CII), and Sheep Identification Inspections (SII), was set at 3% of all cattle herds/sheep flocks.
- 3.2 Cross-compliance requires applicants for area-based scheme payments to comply with a range of European regulations covering the environment, food safety, animal and plant health and animal welfare. The European Commission regulations governing cross-compliance inspections stipulate that inspections must be carried out on at least 1% of farms claiming area-based scheme support. However, Commission guidance also states that where domestic legislation implementing the cross-compliance requirements sets a higher level of inspection, that level of on-farm inspection should be undertaken in respect of those requirements in question. Therefore, in line with veterinary legislation, the inspection rate for SMR 7 (Cattle Identification and Registration) and SMR 8 (Sheep and Goat Identification and Registration) is 3%. Where possible the veterinary and the cross-compliance inspection regimes were managed together to ensure 'on farm' inspections are kept to a minimum.
- 3.3 In 2014 this gave rise to 330 animal related cross-compliance inspections, 598 CII<sup>13</sup> inspections of cattle businesses and 288 SII<sup>14</sup> inspections of sheep and goat businesses. It should be noted that the above figures are not mutually exclusive in that some of the CII's and SII's will also be included in the cross-compliance figure. The cross-compliance inspection regime additionally includes inspections from the NIEA, Agri-food Inspection Branch and Countryside Management Branch.
- 3.4 There were also regular visits from contracted private veterinary practitioners for TB testing and a wide range of other inspection related visits annually covering everything from food safety to plant health and even bee-keeping. Add to this, reports from members of the public and investigations that arose from the activities of other agencies - such as the PSNI, the NIEA and local authorities - and there was a variety of ways in which non-compliance or even outright breaches of legislation, came to light.

13 Cattle Identification Inspection (CII).

14 Sheep Identification Inspection (SII).

3.5 This was seen as a significant inspection programme (some farmers described it as a burden) but in Northern Ireland there were 24,000 farms with:

- 14 million poultry;
- 1.8 million sheep;
- 1.6 million cattle; and
- 425,000 pigs.

With the cross-compliance inspections of 330 holdings per annum and cattle and sheep inspections totalling 886 holdings to meet EU requirements, calls to reduce the level of inspection were countered by DARD officials as a reduction in the inspection teams or inspection programme could be counter-productive. Balancing the relevant strengths and weaknesses of the inspection and enforcement regime requires careful risk analysis and targeted allocation of resources. The various factors at play were as follows:

**Figure 3: SWOT analysis of the Veterinary Service inspection and enforcement regime**

Strengths	Weaknesses
Experience. Local knowledge. Well trained.	Dispelling perception of conflict of interest. Sanctions outweighed by rewards.
Opportunities	Threats
Intelligence gathering to target risk. Sharing data to increase detection. Technology and DNA for tracking. Changes to Animal Welfare Act increasing sanctions.	Reduced funding reduces inspection. Changes to the subsidy regime. Pressure on incomes leading to increased non-compliance.

3.6 The guidance provided by DARD to farmers was comprehensive and inevitably complex – given the number of schemes in operation. Even so, compared to the criticism levelled against the advice given by the other regions in the UK,<sup>15</sup> the efforts of the Department to provide farmers with a portal to the relevant guidance are relatively good. The inclusion of demonstration videos to assist in the completion of forms and understanding requirements was welcome, as was the lack of embedded links to revisions of the guidance and extensive references to other guidance, which was a problem in England Wales. The equivalent guidance in the Republic of Ireland included photographic examples of the eligibility requirements under EU land-based schemes in an effort to reduce historically high levels of non-compliance.

15 Doing Better Initiative to Reduce Red Tape in Agriculture; 2014; Scottish Government

## Very High Risk Enterprises

3.7 Balancing the inspection and enforcement programme with the available resources was assisted through the application of a suitable risk assessment. The risk matrix devised by DARD to inform the cross-compliance inspection programme centred on a number of criteria:

- Information notices;
- Intent; and
- Impact

with emphasis given to those enterprises and their activities that gave rise to the most serious risks, or where hazards were least well controlled.

3.8 This approach guided the inspection programme but there was a small group of enterprises that were not only non-compliant but involved in criminality. These enterprises were more than likely outside the agricultural support payment schemes and required a concerted effort. A discussion with DARD Veterinary Service officials led to an estimate of around 10 very high risk enterprises in each of the six DVOs. In total around 60 known problem offenders.

3.9 Targeting the high risk enterprises for inspection presented a number of problems, not least access to their sites and protecting Inspectors. There was a reliance on local knowledge to identify these individuals but this was by definition, focused on farming practice. There was evidence that breaches of regulations governing matters such as waste disposal, commercial water consumption and pollution indicated a culture of non-compliance. Sharing data of breaches, non-compliance and criminality could build a comprehensive risk analysis of enterprises and areas that merited greater levels of inspection.

3.10 The incorporation of the NIEA and its Environmental Crime Unit into DAERA offers an opportunity to share data on the serious offenders and mount joint operations. The NIEA already operates under the National Intelligence Model and is developing a comprehensive risk matrix that could usefully be shared with the VSEB enforcement teams in their planning. CJI Inspectors were aware of the joint planning work being undertaken by the VSEB and the NIEA staff and **would encourage them to develop a strategic risk assessment of the prolific and serious offenders operating under the guise of farming enterprises.**

3.11 Rural and agricultural criminality in cross-border areas had been of concern for some time. This was in part recognised by DARD with an application for funding under the 'Fresh Start' initiative to target cross border VSEB issues and this was a very worthwhile investment. DARD also had representation on the cross-border task force.

3.12 One issue raised by the enforcement staff was the difficulty in serving a summons to the land manager or farmer; similar problems were also encountered with waste operators. There were many instances of failure to serve as the relevant individual was not located. In England and Wales the use of postal requisitions was a key development as it rendered the need to serve a summons redundant. Establishing a reliable trading address to which a postal requisition was then issued, was valid evidence of formal notice being given. Considering the farmers within

DARD's remit claimed grants and subsidies, bought and sold cattle, feedstuff and machinery, establishing a trading address should not be an issue. The use of postal requisitions in lieu of summons servers is an issue which CJI will be exploring in more detail in a forthcoming inspection.

- 3.13 One point of concern raised by the farming community and their representatives was the impact on farmers of unannounced on-the-spot checks. However, the EU Commission and the European Court of Auditors (ECA) were on the record as saying that on-the-spot checks were an important deterrent. And go on to say, ...' *it is necessary to go into the field and check that reality matches what has been declared on paper*'. CJI Inspectors recognise the requirement for on-the-spot checks and that some inspections must be unannounced. It is worth noting that in general, unannounced inspections is a principle enshrined in EU Regulations including cross compliance, feed and food law, animal health and welfare and the identification and registration of animals.
- 3.14 CJI did not conduct a review of the inspection regime within DARD vis à vis announced and unannounced inspections but data from Scotland did not show any significant difference in the non-compliance rate between the announced and unannounced inspections. One problem that may arise in the coming years (dependent upon relations with the EU) is the inclusion of an 'active farmer' requirement for CAP payments. It is difficult to see how announced inspections would monitor this requirement as it may be possible to give the impression of being an active farmer even where that was not the case.

**Table 1: Notification period vs the breach rate for Cattle Identification (SMR7) in Scotland.**

Notification period	Sample	Average	0-3 hrs	3-24 hrs	24-48hrs	>48 hrs
Year	Rate of SMR 7 Breach					
<b>2011</b>	654	35%	32%	39%	31%	40%
<b>2012</b>	648	35%	36%	28%	35%	37%

- 3.15 In the Republic of Ireland the Irish Farmers' Journal<sup>16</sup> reported a survey of farmers that found;
- 'following notification, 32% of farmers took no action prior to the inspector arriving, while 34% completed a clean-up and check-up. Almost one quarter (24%) of farmers went over their paperwork. The majority (42%) of farmers contacted no-one about the inspection, but 35% contacted their Teagasc [agricultural] adviser....four out of five farmers stated that the inspection notification clearly outlined the reason and requirements of the inspection.'*

16 <http://www.farmersjournal.ie/site/farming-Inspections-causing-high-levels-of-farmer-stress-15933.html>

- 3.16 These were inspections of EU payments schemes and not strictly within the remit of the investigation and enforcement work of Veterinary Service, but it would appear that short periods of notice do not appear to have much impact on the levels of compliance and non-compliance. On balance CJI Inspectors believe that unannounced inspections provide the greatest level of surety.
- 3.17 Farming representatives told Inspectors that many farmers felt the Inspectors were *'trying to catch them out'* as they had to record something on the forms. This assertion was rejected by DARD officials who said that notice of inspections is given in most instances and that farmers have the opportunity to comply with the relevant regulations. DARD officials also pointed out to Inspectors that DARD promotes awareness that the inspection regime is aimed at improving land management, sustainability, producing quality and animal welfare.



# Outcomes

## Measuring Success

- 4.1 The inspection addressed the performance of the CIS and VSEB investigation, inspection and enforcement work at two levels, firstly, the outputs from counter fraud activity and, secondly, the impact of their inspection and enforcement work. Reviewing the annual reports published by the CIS, the level of inspection activity, the volume of investigations and the case files that resulted in some form of enforcement action were presented as the principle measure of success. Underpinning this was an aim to have a deterrent effect with corresponding increase in compliance and there was some evidence that deterrence was a factor although it was not measurable.
- 4.2 An analysis of the caseload of the CIS would indicate that the significant reduction in the number of files being referred to the CIS was an indicator of a successful campaign. Between 2012 and 2014 the number of files referred to the CIS fell by almost 70%. In reality it was more likely that changes to the means of subsidy from a headage based approach i.e. the number of livestock - to an area based one - simplified the process, reduced the opportunity for non-compliance and made it easier to police.
- 4.3 Assessing how a particular intervention or preventative measure has contributed to a higher level outcome such as *.....how much has it improved .....* animal health and welfare or public health is more difficult as other variables come into play. The view of DARD, and one that Inspectors would share, is that in the absence of the inspection teams the risks to animal and public health and welfare would be much greater.
- 4.4 Another perspective from which to assess the success or otherwise of the CIS counter fraud activities was the adequacy with which the programme was delivered. There were no easily applied unit cost measures as the nature of the investigations was highly variable and geographically dispersed but - although subjective - the view of Inspectors was that the investigation process was applied in a practical manner, checks and balances in the programme provided assurance of independence and training and oversight contributed to quality assurance. It was well run and by their own measures, deemed successful.
- 4.5 The impact of the reducing caseload in the CIS allied to the logical view that a pan-agency fraud investigation service belonged in a central department led to the investigation work of the CIS transferring to a new unit in the DoF with responsibility for fraud investigations across the NI Civil Service.



## Central Investigation Service; Referrals and Outcomes

- 4.6 During 2014-15 the CIS received 15 case referrals of suspected external and internal fraud and irregularity with an estimated value of fraud of £167,000. A total of 12 cases of suspected fraud and irregularity were referred by other Government Departments. A further 24 referrals were carried forward from previous years. The total caseload for the CIS for 2014-15 was 51 cases with one conviction (2012-13: 158 cases with two convictions). It is noted the majority of the 2014-15 DARD cases were for minor scheme infringements and in 2012-13 poor scheme design precluded criminal proceedings being instigated. We therefore acknowledge that CIS recommendations to impose scheme penalties were, under the circumstances, the most appropriate and cost effective sanction rather than pursuing prosecutions. We also acknowledge the standard of proof required to prove suspected fraud to a criminal standard in comparison to strict liability offences is much more difficult to prove.
- 4.7 During the reporting period, the CIS secured one conviction on behalf of the Agri-food Inspection Branch for breaches of Agri-food legislation. The value of the fine was £1,500 however, they subsequently secured another conviction for fraud, on behalf of another Department with the outcome of six months imprisonment; suspended for two years. It should be noted that the VSEB routinely conducts its own compliance investigations and prepares files that are not routed through the CIS.

**Table 2: CIS referrals 2012-15**

Category	2012-13		2013-14		2014-15	
	Received	Completed	Received	Completed	Received	Completed
<b>DARD Referrals</b>	116	106	39	30	15	13
<b>Other Depts. referrals</b>	7	3	18	10	12	5
<b>PPS convictions</b>	2		2		1	

## Counter Fraud Strategy

- 4.8 The CIS also took the lead in the DARD counter fraud strategy providing advice and guidance to management on reducing the risk of fraud, providing training in fraud awareness, advice on investigation procedures, court skills and assisting in the preparation of prosecution files. Following the transfer of fraud investigation work, the DoF and DARD put in place a Service Level Agreement and hand-off protocols to manage fraud cases with fraud awareness training passing to the Centre for Applied Learning through a mix of on-line courses and bespoke training to meet more specific requirements. These arrangements took effect from March 2016.

4.9 The DARD Counter Fraud strategy outturn report for 2014-15 included three specific controls areas:

- ensure preventative controls are designed to minimise the risk of fraud from occurring in the first place;
- ensure controls are designed to discover fraud when it occurs; and
- ensure controls are designed to take corrective action and remedy the harm caused by fraud.

Within these three areas there were 10 KPIs and 25 actions, all of which were registered as achieved or on target. The CIS was responsible or jointly responsible for delivering all but one of these actions.

4.10 Alongside the published annual report on counter fraud strategy, the Department has a series of internal reports covering counter fraud targets, progress against completion of the fraud risk assessments, evaluation of the fraud awareness programme, the fraud hotline service and a survey of the effectiveness of counter fraud arrangements. The survey indicated a strong awareness of the counter fraud strategy with 88% of respondents agreeing/strongly agreeing that DARD has a clear commitment to combat fraud. Some 78% of respondents agreed/strongly agreed that the Department's counter fraud strategy is readily accessible to all staff. The effectiveness of the strategy was less well supported, with 50% of respondents agreeing that the strategy made a positive difference in combating fraud. A total of 45% neither agreed nor disagreed that the strategy made a positive difference. Inspectors suggest **the Department should undertake a programme to raise awareness of progress in achieving the counter fraud strategy targets.**

4.11 The responses to the anti-fraud policy and Fraud Response Plan were all positive and scored in the 80% area except for the statement ...*'The anti-fraud policy has being discussed at team briefs by line management'*...the response to this was

**Table 3: Survey of Anti-Fraud Policy**

<b>Disagree strongly</b>	4.5%
<b>Disagree</b>	22.7%
<b>Neutral</b>	31.1%
<b>Agree</b>	33.6%
<b>Agree strongly</b>	8.1%

- 4.12 The Department had in place a whistle blowing policy although the survey results with respect to whistle blowing were lower than those recorded of the anti-fraud policy. Probably of most concern was the finding that only 38% of respondents felt more confident in reporting possible fraud than in the previous year.
- 4.13 A level of unease at the protection available to whistle blowers was evident in comments such as...*'personally I wouldn't feel entirely assured over protection for whistleblowers'...**'confidentially (sic) arrangements may be breached as we usually hear things through the grapevine'.* and...*'management cover up what they need to protect themselves'...*In response, the Department **should continue to promote the Public Disclosure Interests legislation to emphasis the protection offered to whistle blowers. The Department should also continue to promote the successful outcomes of whistle-blowing incidents as part of the team briefings.**
- 4.14 Some comments by respondents indicated a wide variation in opinion with respect to the discussion of the Departmental anti-fraud policy. (This survey covered Departmental staff and refers to DARD anti-fraud strategy and not to the industry.)
- 4.15 The key action identified by the Department was to ensure all staff were made aware of the Anti-Fraud Policy and Fraud Response Plan by issuing a copy of the policy to all staff annually. **It might also help address the issue if progress in enforcement action against fraud was delivered through the team briefing process.**

**Following restructuring DAERA should have a lead for its anti-fraud strategy to maintain focus on this work following the restructuring of the department and the CIS.**

### **Veterinary Service Enforcement Branch (VSEB)**

- 4.16 Applying a quantitative assessment of the impact of the work of the VSEB (and the enforcement work of the entire Veterinary Service) on the agri-food industry across Northern Ireland was not feasible. There were too many factors at play to isolate simple cause and effect. But there is no doubt enforcement works. The introduction of inspection and enforcement to Italy in 2004 reduced non-compliance with EU requirements from 25% to 3% and there was a notable change in the approach to the management requirements. The impact of the VSEB can be seen from the number of investigations they have conducted and the high rate of convictions obtained.
- 4.17 Over the last three years VSEB has handled 863 investigations with 141 (16%) prosecuted in court of which 90% were convicted confirming the view expressed to Inspectors by the PPS that the files from the VSEB were of good quality. Of the remainder a quarter of the investigations were discontinued due to lack of evidence or subsequent compliance and a third received a warning letter – reflecting a good level of success.

**Table 4: VSEB investigations 2012-15**

<b>Investigations</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>Total</b>
<b>Case dropped</b>	39	106	79	<b>224</b>
<b>Compliance achieved</b>	60	50	22	<b>132</b>
<b>Warning letter</b>	71	130	113	<b>314</b>
<b>Slaughter</b>	6	7	2	<b>15</b>
<b>Formal caution</b>	1	4	9	<b>14</b>
<b>Convicted in court</b>	36	32	47	<b>115</b>
<b>Dismissed in court</b>	4	1	7	<b>12</b>
<b>Referred to another Agency</b>	1	9	5	<b>15</b>
<b>Restricted movement</b>	11	8	1	<b>20</b>
<b>Subsidy withheld</b>	1	-	1	<b>2</b>
<b>Total</b>	<b>230</b>	<b>347</b>	<b>286</b>	<b>863</b>

A total of 49 files were referred to the Public Prosecution Service by VSEB in 2014-15. In the reporting year 32 convictions were obtained with fines totalling £28,000 imposed (see Appendix 3: Summary of Convictions). Following a review of the Animal Welfare legislation the penalties that may be imposed were increased; the maximum penalty on summary conviction for the offences of causing unnecessary suffering and animal fighting is 12 months' imprisonment, a fine not exceeding £20,000, or both. The maximum prison sentence for those found guilty on indictment was increased from two years to five years.<sup>17</sup>

17 <https://www.daera-ni.gov.uk/publications/review-implementation-welfare-animals-act-ni-2011>

**Table 5: Breakdown of convictions 2012-15**

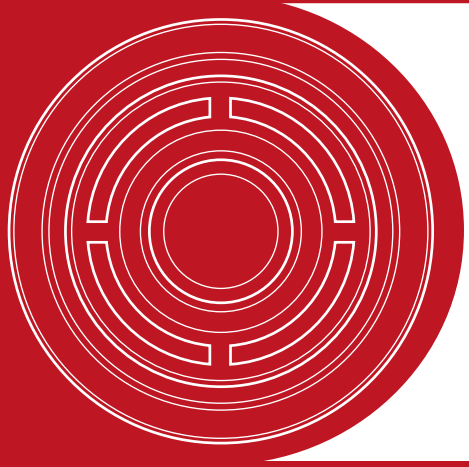
<b>Work programme</b>	<b>Convicted in Court</b>	<b>Acquitted in Court</b>	<b>Total</b>
<b>Animal By-Products</b>	18	-	<b>18</b>
<b>Aujeszky's Disease</b>	4	-	<b>4</b>
<b>Brucellosis</b>	10	1	<b>11</b>
<b>Identification, Registration &amp; Movement</b>	48	5	<b>53</b>
<b>Trade of Animals &amp; Animal Products</b>	3	2	<b>5</b>
<b>Transmissible Spongiform Encephalopathies</b>	1	-	<b>1</b>
<b>Tuberculosis</b>	12	1	<b>13</b>
<b>Veterinary Public Health &amp; Food Safety</b>	7	-	<b>7</b>
<b>Welfare of Animals</b>	26	3	<b>29</b>
<b>Total investigations</b>	<b>129</b>	<b>12</b>	<b>141</b>

### **Penalties for Non-compliance with Statutory Management Requirements**

- 4.18 Although enforcement action by DARD was one output of the inspection and enforcement regime, a more common output and one with greater impact across the agri-food industry was the reduction of support payments where DARD identified breaches of the Statutory Management Requirements (SMRs) and/or Good Agricultural and Environment Conditions.
- 4.19 Although not part of the enforcement regime in the strict sense as the penalties applied can be regarded as civil or financial penalties, cross-compliance inspections gave rise to enforcement action where breaches of legislation were detected. In discussions with DARD officials the financial penalties were seen as a particular deterrent to not only those suffering the loss but to other land managers who became aware of the penalties.
- 4.20 The deterrent impact of financial penalties is directly linked to the extent of the deduction. However, in line with the current European regulations governing Cross-Compliance higher level penalties, those roughly in excess of 15%, require a determination of some level of intent. Reaching this threshold is inherently problematic and a recent court case confirmed this. Going forward the space to develop a more easily enforceable category, such as gross negligence, that would reflect either the gravity of non-compliance or repetition but stop short of proving intent, might become available and should be explored. At present however this would require an amendment to the current European regulations governing Cross-Compliance.

**Table 6: Deductions for non compliance with SMR 7  
(Cattle movement registration)**

Year	No. of Businesses with Deductions	1% - 5% Deduction	5% - 25% Deduction	25% - 50% Deduction	50% -100% Deduction	Total Value of Deductions	Average value of deduction
<b>2012</b>	181	130	31	8	12	<b>£415,638</b>	<b>£2,296</b>
<b>2013</b>	169	127	32	2	8	<b>£286,391</b>	<b>£1,694</b>
<b>2014</b>	176	145	25	5	1	<b>£187,021</b>	<b>£1,062</b>
<b>Total</b>	526	402	88	15	21	<b>£889,050</b>	<b>£1,690</b>



# Appendices



## Appendix 1: Terms of reference

### Introduction

Criminal Justice Inspection (CJI), proposes to undertake an inspection of the Central Investigation Service (CIS) and the enforcement work of the Veterinary Service of the Department of Agriculture and Rural Development of Northern Ireland.

### Context

The CIS investigates potential fraudulent claims for agriculture-based payments and advises on and develops fraud prevention measures. Through the NICS Fraud Forum the unit shared its best practice to counter public sector fraud with other NICS Departments and Public Bodies. Service Level Agreements set the basis on which the unit delivered investigation services and provision of advice to other Departments. The introduction of the single farm payment reduced the incidence of and potential for fraud with a concomitant reduction in the scale of the CIS. The establishment of a central fraud investigation unit within the Department of Finance and Personnel has further reduced the requirement for a dedicated investigation team within DARD. Within DARD a branch of the Veterinary Service (Veterinary Service Enforcement Branch (VSEB)) conducts a range of investigations under the Welfare of Animals Act (Northern Ireland) 2011. The inspection will include the work of this branch.

### Aims of the inspection

The broad aims of the inspection are to:

- assess the effectiveness of the CIS and VSEB in delivering successful investigations and achieving the aims of DARD;
- review the governance, structure and service delivery of CIS, VSEB and CET; and
- review the future service delivery options of DARD branches following the establishment of the Central Fraud Investigations Unit within the Department of Finance and Personnel.

### Methodology

The inspection will focus on assessing the performance of CIS against the set of expectations developed by DARD and the evaluation of the delivery by the unit. Inspectors will look at the approach to investigations and map that against expected best practice. A sample of investigations will be examined to evaluate the process adopted and the relative success of the investigation in detecting wrongdoing and achieving convictions/deterring fraud.



## **Design and Planning**

Inspectors will look at the policy guidelines/governing principles for the unit to identify the main aims of the unit and trace these through operations to assess the setting and achievement of relevant objectives. Analysis of a sample of investigations will provide evidence of the successful conclusion of investigations and relative effectiveness of the unit in the context of the potential level of fraud, associated losses and animal welfare issues.

Benchmarking with other investigation units will be made where the data is available.

Inspectors will hold early meetings with DARD and CIU/VSEB officials to outline the inspection timeline, to access data and papers and arrange to meet with officials in DARD and CIS/VSEB.

## **Delivery**

A fieldwork plan will timetable notated interviews with key staff and officials within the CIS, Veterinary Service and DARD. Following analysis of policy documentation, relevant cases files and interviews Inspectors will formulate an initial view and discuss this with DARD officials. If required additional analysis field work will be conducted to underpin initial findings. Formal feedback of emerging findings will be made to DARD before drafting of the report commences. Following completion of the fieldwork and emerging findings briefs a draft report will be shared with DARD to complete a factual accuracy check. A final report will be completed once revisions arising from the factual accuracy check are incorporated. The inspection report will be shared, under embargo, in advance of the publication date with DARD.

The Chief Inspector will invite DARD to complete an action plan within 6 weeks of receipt of the final report to address the recommendations for publication on the CJI website.

## **Publication and Closure**

Following internal CJI quality assurance processes the final draft inspection report will be sent to the Minister of Justice seeking approval to publish. Once permission to publish has been received from the Minister, a date of publication will be identified by CJI and communicated to the main agencies involved in the Inspection and to the Department of Justice (DoJ). A report and covering letter will be sent by CJI to other agencies and stakeholders identified as needing sight of the report prior to publication. A press release will be prepared by CJI and will be shared with the agencies involved and with the DoJ. The publication of the final report will be made once Ministerial approval has been received.



## Appendix 2: DARD legislation and regulations

### Primary Legislation

- Slaughter of Animals Act (NI) 1932;
- Destructive Imported Animals Act (NI) 1933;
- Slaughter-Houses Act (NI) 1953;
- Medicines Act 1968;
- Agriculture Act 1970;
- Welfare of Animals Act (NI) 1972;
- Artificial Reproduction of Animals (NI) Order 1975;
- Disease of Animals (NI) Order 1981 (as amended);
- Food Safety (NI) Order 1991 (as amended);
- The Welfare of Animals (2011 Act) (Commencement and Transition Provisions No.1) Order (NI) 2011;
- The Welfare of Animals Act (NI) 2011;
- The Welfare of Animals (2011 Act) (Commencement and Transition Provisions No.2) Order (NI) 2012;  
and
- The Welfare of Animals (2011 Act) (Commencement and Transition Provisions No.3) Order (NI) 2012.

### Subordinate Legislation

- Anthrax Order 1969;
- Warble Fly (Treatment) Scheme Order (NI) 1976;
- Bovine Leucosis Scheme Order (NI) 1995;
- Diseases of Poultry Scheme Order (NI) 1995;
- Eggs (Marketing Standards) Regulations (NI) 1995 (as amended);
- The Marking of Animals Order (NI) 1996;
- Cattle Identification (No.2) Regulations (NI) 1998 (as amended);
- Cattle Identification (Enforcement) Regulations (NI) 1998;
- Bovine Hides Regulations (NI) 1998;
- Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (NI) 1998 (as amended);
- Tuberculosis (Examination and Testing) Scheme Order (NI) 1999 (as amended);
- Tuberculosis Control Order (NI) 1999 (as amended);
- Cattle Identification (Notifications of Births, Deaths and Movements); Regulations (NI) 1999 (as amended);
- Cattle Passport Regulations (NI) 1999;
- Anthrax (Vaccination) Scheme Order (NI) 2000;
- Brucellosis Control Order (NI) 2004 (as amended);
- Brucellosis (Examination and Testing) Scheme Order (NI) 2004;
- The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) Regulations (NI) 2005 (as amended);
- Plant Health Order (NI) 2006 (as amended);

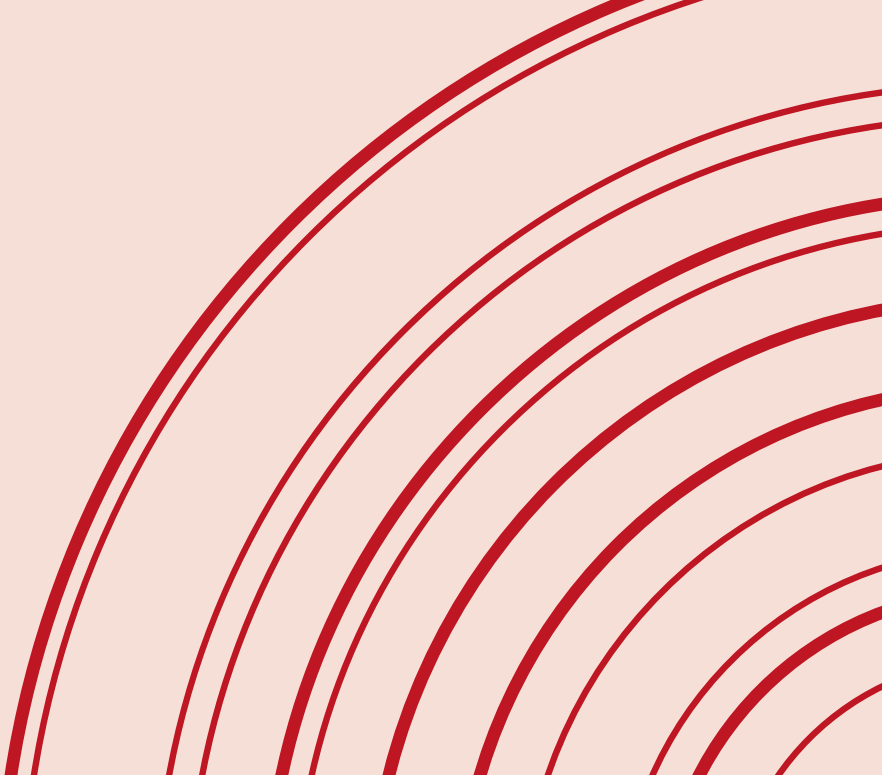
- The Salmonella in Turkey Flocks and Herds of Slaughter Pigs (Survey Powers) Regulations (NI) 2006;
- The Foot-and Mouth Disease Regulations (NI) 2006 (as amended);
- The Foot-and Mouth Disease (Control of Vaccination) Regulations (NI) 2006 as amended);
- The Welfare of Animals (Transport) Regulations (NI) 2006 (as amended);
- The Avian Influenza and Influenza of Avian Origin in Mammals Regulations (NI) 2007;
- The Avian Influenza (Vaccination) Regulations (NI) 2007;
- The Avian Influenza (Preventive Measures) Regulations (NI) 2007;
- The Avian Influenza (H5NI in Poultry) Regulations (NI) 2007;
- The Official Controls (Animals, Food and Feed) Regulations (NI) 2007;
- The Bluetongue Regulations (NI) 2008 (as amended);
- The Zoonoses Monitoring Regulations (NI) 2008 (as amended);
- The Products of Animal Origin (Disease Control) Regulations (NI) 2008;
- The Swine Vesicular Disease Regulations (NI) 2009;
- The Meat (Official Controls Charges) Regulations (NI) 2009;
- The Horse Passport Regulations (NI) 2010;
- The Transmissible Spongiform Encephalopathy Regulations (NI) 2010;
- The Zoonoses (Fees) Regulations (NI) 2011 (as amended);
- The Trade in Animals and Related Products Regulations (NI) 2011 (as amended);
- Aujeszky's Disease Scheme Order (NI) 2012;
- Aujeszky's Disease Order (NI) 2012;
- Welfare of Farmed Animals Regulations (NI) 2012;
- Veterinary Medicines Regulations 2013;
- Welfare of Animals at the Time of Killing Regulations (NI) 2014;
- Animal By-Products (Enforcement) Regulations (NI) 2015; and
- The Bovine Viral Diarrhoea Eradication Scheme Order (Northern Ireland) 2016.



## Appendix 3: Summary of convictions and other disposals 2014-15

<b>Convictions</b>	32 - (of which two people were convicted twice).
<b>Fines:</b>	£27,922.
<b>Imprisonment:</b>	
	One person received 6 months imprisonment.
	Three people received 4 months imprisonment.
	One person received a 4 month custodial sentence, suspended for 3 years.
	One person received a 3 month sentence, suspended for 2 years.
<b>Conditional discharge:</b>	
	Three people received a conditional discharge for 2 years.
	One person received a conditional discharge for 18 months.
	Three people received a conditional discharge for 1 year.
	One person received a conditional discharge.
<b>Bans:</b>	
	One person received a lifetime ban from keeping and owning farmed animals.
	One person was banned from keeping all livestock for 10 years.
	One person was banned from keeping bovine animals for 2 years.
<b>Other penalties:</b>	
	One person received an absolute discharge.
	One person received 200 hours community service.
	One person was ordered to pay a compensation order of £1,572.
	One person received a probation order for 18 months.





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