

EXPLANATORY MEMORANDUM TO
THE ZOOSES AND ANIMAL BY-PRODUCTS (FEES) (AMENDMENT)
REGULATIONS (NORTHERN IRELAND) 2009

S.R. 2009 No. 326

1. This explanatory memorandum has been prepared by the Department of Agriculture and Rural Development and is laid before The Northern Ireland Assembly.

2. Description

2.1 The Department of Agriculture and Rural Development intends to make the above named Statutory Rule under powers conferred by section 2(2) of the European Communities Act 1972. The Regulations are required to be laid before the Assembly under the negative resolution procedure.

3. Background

3.1 The Regulations amend the Zoonoses and Animal By-Products (Fees) Regulations (Northern Ireland) 2008. EU Regulations (EC) No 2160/2003 and (EC) No 1003/2005 require all Member States to implement National Control Programmes (NCPs) in the poultry and pig sectors. The objective of the NCPs is to improve public health through the detection and control of Salmonellas of human health significance in primary production.

The new sampling and testing regime required by the NCP has been implemented by the Control of Salmonella in Poultry Scheme Order (NI) 2008 and the Control of Salmonella in Broiler Flocks Scheme Order (NI) 2009.

DARD policy is to recover the full costs of statutory sampling and testing work carried out under the salmonella control programme. Since the introduction of the new EU Regulations, which applied from 1 January 2007, The Zoonoses and Animal By-Products (Fees) Regulations (NI) 2008 which, followed a full 12- week consultation in 2007 and subsequent Ministerial and Committee clearance to make the legislation. Allow DARD to recover costs associated with the Control of Salmonella in Poultry Regulations (NI) 2008 and the Animal By-Products Regulations (NI) 2003 from owners of breeding flocks. This is in line with DFP policy on cost recovery.

Further regulations are now needed to amend the Zoonoses and Animal By-Products (Fees) Regulations (NI) 2008 to allow DARD to recover costs associated with the control of Salmonella in Poultry Regulations (NI) 2008, the control of Salmonella in (Broiler Flocks) Order (NI) 2009 and the Animal By-Products Regulations (NI) 2003 from owners of layer flocks and broiler flocks.

4. Consultation

- 4.1 A consultation with interested parties was carried out between 12 November 2008 and 28 January 2009. One response to the consultation was received.

5. Position in GB

- 5.1 The Regulation has been transposed in England by The Zoonoses and Animal By-Products (Fees) (England) (No.2) Regulations 2008 No.3196. It was transposed in Wales by The Zoonoses and Animal By-Products (Fees) (Wales) Regulations 2008 No. 3153. It was transposed in Scotland by The Zoonoses and Animal By-Products (Fees) (Scotland) (No.2) Regulations 2008 (SSI 2008/423).

6. Section 24 of the Northern Ireland Act 1998

- 6.1 The Regulations deal with animal disease control and do not have human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

7. Regulatory Impact and Financial Implications

- 7.1 A Regulatory Impact Assessment was carried out and the estimated total combined cost to business in Northern Ireland for official sampling and testing of breeding flocks under the proposed fees regulations ranges is estimated to be approximately £32,000 per year. If new fees legislation is not introduced, cost recovery will not be achieved, which would mean a charge to taxpayers.

8. Matters of special interest to the Agricultural and Rural Development Committee

- 8.1 The printed Rule together with an Explanatory Memorandum will be submitted to the Committee at the same time as the Rule is sent to the Assembly Business Office.

8.2 Contact

- 8.3 Anne-Marie McConn at the Department of Agriculture and Rural Development, Telephone: 028 90525079 or e-mail: Anne-Marie.McConn@dardni.gov.uk