

EXPLANATORY MEMORANDUM TO
THE ZOOSES AND ANIMAL BY-PRODUCTS (FEES) (AMENDMENT)
REGULATIONS (NORTHERN IRELAND) 2010

S.R. 2010 No. 253

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before The Northern Ireland Assembly.

1.2 The Statutory Rule is made under powers conferred on it by section 2(2) of the European Communities Act 1972; and is subject to the negative resolution procedure.

1.3 The Rule complies with the 21 day rule and will come into operation on 28th August 2010.

2. Purpose

2.1 EU Regulations (EC) No 2160/2003 and (EC) No 584/2008 require all Member States to implement National Control Programmes (NCPs) in the poultry and pig sectors.

2.2 The objective of the NCPs are to improve public health through the detection and control of Salmonellas of human health significance in primary production.

2.3 This proposed Regulations will introduce fees for turkey flocks in 2010 as required by EU Directive.

3. Background

3.1 The sampling and testing regime required by the NCP has been implemented by the Control of Salmonella in Poultry Scheme Order (NI) 2008, the Control of Salmonella (Broiler Flocks) Scheme Order (NI) 2009 and The Control of Salmonella in Turkey Flocks Scheme Order (NI) 2010.

3.2 Further regulations are now needed to amend the Zoonoses and Animal By-Products (Fees) Regulations (NI) 2009 to allow DARD to recover costs from turkey producers associated with the Control of Salmonella in Turkey Flocks Scheme Order (NI) 2010 and update 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 in

respect of breeding flocks, laying flocks and broiler flocks. These also introduce optional testing for laying flocks.

4. Consultation

4.1 A consultation with interested parties was carried out between 25 January 2010 and 19 April 2010 and there are no matters outstanding.

5. Equality Impact

5.1 In accordance with DARD's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Order have been assessed.

5.2 The proposed legislation has been screened for equality issues and none were identified. It is not expected that this Order will impact differentially across any of the section 75 groups.

6. Regulatory Impact and Financial Implications

6.1 Cost recovery is a long standing DFP requirement and it is proposed to separately introduce an amendment to existing fees legislation.

7. Section 24 of the Northern Ireland Act 1998

7.1 The Rule is deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

8. EU Implications

8.1 There are no EU implications.

9. Position in GB and ROI

9.1 The Scottish fees legislation took effect from 31 March 2010 and the Welsh fees legislation is expected to be in place shortly. England have made their fees which came into force from 20 July 2010.

9.2 ROI will implement the requirements of the Regulation but do not intend to charge industry for official sampling and testing.

10. Contact

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