

**EXPLANATORY MEMORANDUM
TO
THE SCRAPIE (FEES) (AMENDMENT) REGULATIONS (NORTHERN IRELAND)
2010.**

S.R. 2010 No. 57

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**

The Scrapie (Fees) Regulations (Northern Ireland) 2008 No. 456 provides a legal basis for the Department to charge a fee to meet costs incurred by it for inspections required, as regards scrapie, under point 1(a)(ii) of Part I of Chapter A of Annex VIII to the Community TSE Regulation which specifies the conditions for intra-Community trade in live animals, semen and embryos. The Regulations provide that the Department is the competent authority for the purposes of the Community TSE Regulation.

The Statutory Rule is made under powers conferred by section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy of the European Community and, with the consent of the Department of Finance and Personnel, under section 56(1), (2) and (3) of the Finance Act 1973.

The Regulations comply with the 21 day rule.

3. **Background**

The Scrapie Monitored Flocks Scheme (SMFS) was first introduced to Northern Ireland in August 1993 to facilitate sheep and goat owners who wished to maintain a breeding flock or herd and avail of intra-Community trade. Participation in the scheme is a pre-requisite for Northern Ireland sheep and goat owners who wish to engage in intra-Community trade, including trade with the Republic of Ireland.

To ensure compliance with government policy the Department has introduced Fees Regulations in order to provide a legal basis for DARD to recover costs under this Scheme. The fees are set out in a schedule to the Regulations.

These Regulations substitute the Schedule to the Scrapie (Fees) Regulations (Northern Ireland) 2008 No. 456 with a new schedule which specifies the increase of fees

4. Consultation

A consultation with interested parties was carried out between 2 November 2009 and 14 December 2009.

5. Position in GB

Defra has operated a different trade scheme to ensure compliance which allows Private Veterinary Practitioners to check eligibility of animals for export and issue certification. Consequently, legislation is not required to implement the GB Scrapie Monitored Scheme.

6. Position in the Republic of Ireland

The Department of Agriculture, Fisheries and Food operates a similar Scrapie Monitored Flocks Scheme to that of DARD.

7 Section 24 of the Northern Ireland Act 1998

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.

8 Regulatory Impact and Financial Implications

A regulatory impact assessment has been carried out. The introduction of these amending regulations will allow the Department to comply with government policy of full cost recovery.

9. Contact

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