

EXPLANATORY MEMORANDUM TO
THE AQUATIC ANIMAL HEALTH (AMENDMENT) REGULATIONS (NORTHERN
IRELAND) 2011

SR 2011 No. 118

1. Introduction

This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany SR 2011 No. 118, which is laid before the Northern Ireland Assembly. The statutory rule is made under powers conferred by section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure. The rule is due to come into operation on 1 May 2011.

2. Purpose

These regulations are required to amend the Aquatic Animal Health Regulations (NI) 2009 to add OsHV1- μ var as a listed disease in Schedule 1.

3. Background

Northern Ireland has had long-standing controls on aquatic animal diseases that have made a significant contribution to the high health status of our fish and shellfish resources.

The Aquatic Animal Health Regulations (NI) 2009 list a number of diseases in Schedule 1 for which Northern Ireland has recognised disease free status and is, therefore, permitted to control movements into the country to prevent or limit the spread of the disease.

Following mortalities in 2009 and 2010 in France and Ireland, and most recently in England, the UK and Ireland sought to control the unlisted disease, OsHV1- μ var, to prevent or limit the spread of the disease and associated mortalities in Pacific oyster stocks.

Following negotiations in December 2010 the EC has agreed to allow OsHV1- μ var to be listed by Member States under Article 43 of Council Directive 2006/88/EC (implemented in Northern Ireland by the Aquatic Animal Health Regulations (NI) 2009) and, as such, apply national controls to limit or prevent the spread of the disease.

The listing of the disease requires an amendment to the Aquatic Animal Health Regulations (NI) 2009 in order to add OsHV1- μ var to the List of Diseases in Schedule 1 of the Regulations.

4. Matters of special interest to the Agriculture and Rural Development Committee

None.

5. Consultation

An industry consultation was carried out on the proposed amendment. All key stakeholders and interested parties were contacted. Due to the limited number of businesses and interested parties affected a public consultation was not deemed necessary.

6. Position in Great Britain

The Department has worked closely with the other UK administrations with the aim of establishing a common UK approach. Equivalent amendments to the Aquatic Animal Health Regulations are being brought forward in England and Wales and in Scotland.

7. Position in ROI

The Department has also liaised closely with the Irish authorities in respect of OsHV1- μ var and the Irish and UK administrations jointly pressed the EC for action in this area. The Irish authorities are also listing OsHV1- μ var.

8. Equality Impact

This policy has been subject to equality screening which found that a full EQIA is not necessary as the proposals apply equally to, and will have no disproportionate effect on, the section 75 groups.

9. Regulatory Impact and Financial Implications

A Regulatory Impact Assessment has been completed.

Businesses and individuals who breed, rear or place Pacific oysters or products on the market will be affected by these new measures. All these businesses are small businesses. However, industry has indicated support for the introduction of measures to control OsHV1- μ var and, as such, protect stocks from the disease and associated mortalities.

There will be a minimal cost to industry in supplying samples for testing and perhaps, in sourcing disease free stock. The risk, however, of an outbreak of OsHV1- μ var which could cause mortalities of all Pacific oysters on a site and could put an operator out of business far outweighs the costs involved.

10. EU Implications

The EU has given permission for Member States to list OsHV1- μ var and apply national measures to control spread of the disease.

11. Section 24 of the Northern Ireland Act 1998

These Regulations deal with the control of fish disease and do not have any 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. These regulations have been cleared by the Departmental Solicitor's Office.