

EXPLANATORY MEMORANDUM TO
THE ZONOSSES (FEES) REGULATIONS (NORTHERN IRELAND) 2011

S.R. 2011 No. 71

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 1st April 2011.

2. Purpose

2.1 EU Regulation (EC) No 2160/2003 requires 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 These proposed new Regulations will amend fees for the taking of official control samples under the NCP 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 revoke the Zoonoses and Animal By-Products (Fees) Regulations (NI) 2010 to allow DARD to update costs associated with the control of Salmonella in Poultry Regulations (NI) 2008, the control of Salmonella in (Broiler Flocks) Order (NI) 2009 in respect of breeding flocks, laying flocks and broiler flocks. These Regulations also amend fees for optional testing in respect of laying flocks.

4. Consultation

- 4.1 A consultation with interested parties was carried out between 11 November 2010 and 23 December 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 A Regulatory Impact Assessment was carried out and published as part of the 6 week public consultation. If the current fees were not updated then they would be in excess of the actual costs incurred by the Department in relation to official tests but for optional tests would not meet full cost of testing, cost recovery is a long standing DFP requirement.

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 Defra intend to update their fees for the financial year 2011/2012 but, due to their shorter legislative period and the fact they do not intend to consult, Defra have not yet developed detailed costings. The Scottish and Wales' devolved administrations will follow Defra's lead. However, the charges here are similar to Defra's current charges.

- 9.2 ROI have implemented the requirements of the Regulation but do not charge industry for official sampling and testing.

10. Contact

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