

EXPLANATORY MEMORANDUM
To
The Diseases of Animals (Importation of Machinery and Vehicles) Order
(Northern Ireland) 2012

S.R. 2012 No. 176

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development and is laid before The Northern Ireland Assembly.

1.2 The Statutory Rule is made under powers conferred by Articles 5(1), 19, 24, 29 and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981 and is not subject to any resolution procedure.

1.3 The Rule will come into operation on 1st May 2012.

2. Purpose

2.1 The Diseases of Animals (Importation of Machinery and Vehicles) Order (Northern Ireland) 2012 No. 176 revokes and remakes, with changes, the Diseases of Animals (Importation of Machinery) Order (Northern Ireland) 1979 No. 281 (the 1979 Order).

2.2 Its aim is to strengthen controls on the import of machinery for the prevention of disease. The general rules governing the importation of machinery remain the same; however some changes have been made to ensure that our disease control measures are as robust as possible.

3. Background

3.1 The 1979 Order prohibits the importation of used machinery into Northern Ireland, unless such machinery has been thoroughly cleansed and disinfected.

3.2 The new Rule governing the importation of machinery strengthens controls on the import of machinery for the prevention of disease.

3.3 Dirty machinery presents a risk both in terms of animal and plant diseases. Imported machinery may have been used in fields where there are serious pests or diseases and could transfer the disease or pests to fields here.

3.4 Any means of transport used for the carriage of animals and any means of transport by means of which disease may be carried or transmitted, come under the control of this Rule.

4. Consultation

4.1 A consultation was carried out with interested parties between 22 June 2009 and 15 September 2009. There were four responses to the consultation, including one nil return. Some minor amendments have been made to the draft SR since this consultation was carried out, however they do not change the provisions of the Order and do not warrant a further consultation.

5. Parity or Replicatory Measure

5.1 Defra does not have similar legislation but is aware of the Department's controls and intention to update the current legislation.

5.2 DAFM operates the Diseases of Animals Act 1966 (Restrictions on Import of Agricultural Machinery) Order 2002 S.I. No. 32 and is aware of the Department's controls and intention to update the current legislation.

6. Equality Impact

6.1 Consideration has been given to compliance with section 75 of the NI Act 1998 and a screening exercise was carried out on the proposed legislation. The outcome was that an Equality Impact Assessment on the proposed legislation was not considered necessary.

7. Regulatory Impact and Financial Implications

7.1 A Regulatory Impact Assessment has been carried out. The Rule has no financial implications for the Department. Any costs arising from action under the Rule will be recovered from the owner/importer of the machinery.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Rule deals with animal disease control and does not have any human rights implications, nor is it incompatible with EU law. The Rule is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. Contact

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