

EXPLANATORY MEMORANDUM TO
THE PORCINE SEMEN (FEES)(ENGLAND) REGULATIONS 2007

2007 No. 2586

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 This instrument provides for the payment of fees in connection with the issue of licences or approvals under the Artificial Insemination of Pigs (England and Wales) Regulations 1964 (S.I 1964/1172) and the Artificial Insemination of Pigs (EEC) Regulations 1992 (S.I 1992/3161) and with tests or examinations carried out for the purposes of those Regulations. In particular, it:

- Revokes the Artificial Insemination (Cattle and Pigs) (Fees) Regulations 1987 (S.I 1987/390) and the Artificial Insemination (Cattle and Pigs) (Fees) (Amendment) Regulations 1992 (S.I 1992/2592) ;
- Places all fees and charges for services to industry, including those identified during the review exercises of the Bovine and Porcine Artificial Insemination Regulations on a legal footing.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Background

4.1 The Artificial Insemination (Cattle and Pigs) (Fees) Regulations 1987 have been reviewed as part of the exercise to introduce the new Bovine Semen Regulations (England) 2007 and all provisions relating to Cattle fees have been introduced into the main body of those Regulations. The review of the 1987 Fees Regulations will be concluded as part of the review of the Artificial Insemination of Pigs (England and Wales) Regulations 1964 (S.I 1964/1172) and the Artificial Insemination of Pigs (EEC) Regulations 1992 (S.I 1992/3161). Work is in progress for the new Porcine Semen (England) Regulations to come into force next year and proposals for consultation are currently being drafted.

4.2 These Regulations introduce a fee (in paragraph 2 of the Schedule) to be paid in respect of tests carried out on boars under Annex B, Chapter I, paragraph 1(d) of Council Directive 90/429/EEC.

- 4.4 These Regulations otherwise re-enact the fees payable under Schedule 2 to the Artificial Insemination (Cattle and Pigs) (Fees) Regulations 1987. For clarity. Paragraph 6 of Schedule 2 to the Artificial Insemination (Cattle and Pigs) (Fees) Regulations 1987 has been re-enacted as paragraphs 6 and 7 of the Schedule to these Regulations.

5. Territorial Extent and Application

This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 In late 2003 a number of areas were identified where plant health, plant varieties and animal health areas were imposing charges without the proper statutory basis. This prompted officials to consider all services where charges were being made and whether a suitable legal base existed for charging.
- 7.2 Coincidentally, a review to overhaul the outdated legislative and administrative controls in the area of artificial breeding, specifically that concerning artificial insemination (AI) for both Cattle and Pigs was in progress at the time. This review uncovered some disease testing, required by EU law for which there was no legal basis.
- 7.3 Accordingly, charging for the tests in question were suspended until a new legislative base was introduced and a repayment exercise was carried out (covering fees for the previous six years plus interest). Industry have been kept informed of progress, developments and decisions by the issuing of several Customer Information Notes.
- 7.4 The over-arching criteria for producing this legislation is the aim of placing all fees on a legal footing. Rather than introducing new figures the fees themselves remain unchanged to those charged prior to the suspension. The rate of fee and the need for full cost recovery will be amongst the topics to examine throughout the review of the Porcine Semen Regulations and as such will be open to discussion through consultation while being transparently reflected in its accompanying Regulatory Impact Assessment
- 7.4 We will be informing the industry of the coming into force of the new regulations by issuing a Customer Information Note (CIN) before the regulations are due to come into force.
- 7.5 The new Regulations do not themselves create new offences, although non-compliance will be an offence under section 10(6) of the Animal Health and Welfare Act 1984.

8. Impact

A full regulatory impact assessment has not been produced for this instrument since it is foreseen that the impact on the costs of business and the voluntary sector will be negligible.

9. Contact

Simon Qasim at the Department of Environment, Food and Rural Affairs Tel: 020 7904 6941 or e-mail: simon.qasim@defra.gsi.gov.uk who can answer any queries regarding the instrument.