

**EXPLANATORY MEMORANDUM
TO
THE TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES (AMENDMENT)
REGULATIONS (NORTHERN IRELAND) 2009.**

S.R. 2009 No. 347

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 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 9th November 2009.

2. Background

2.1 The Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2008 provide the necessary powers to administer and enforce the provisions of Regulation (EC) 999/2001 concerning the prevention, control and eradication of TSEs which include surveillance programmes for certain categories of cattle, sheep and goats.

2.2 A change in policy and implementation procedure for the collection and disposal of fallen cattle over 48 months of age which are required for BSE testing under the TSE surveillance programme has recently been agreed. This will transfer responsibility and cost for the collection and disposal of these animals from the Department of Agriculture and Rural Development to Industry. The Department will continue to pay the BSE sampling and testing costs for all over 48 month fallen bovines.

3. Purpose

3.1 Changes to the Transmissible Encephalopathies Regulations (Northern Ireland) 2008 are required in order to remove responsibility for the collection and disposal of fallen bovines over 48 months of age, required for BSE testing, from the Department of Agriculture and Rural Development to Industry and are implemented by these amendment Regulations

4. Consultation

4.1 The transfer of responsibility for and associated costs of the collection and disposal of fallen bovines requiring BSE testing was one of the TSE proposals consulted on as part of the 2008 responsibility and cost sharing consultation.

5. Position in GB

5.1 Similar TSE legislation has been in force in GB since 12 January 2009 when the full cost for the collection and disposal of fallen bovines over 48 months of age requiring BSE testing transferred to Industry.

6. Equality Impact

6.1 In accordance with DARD's obligations under Section 75 of the Northern Ireland Act 1998, equality implications of the proposals were assessed. A further equality impact assessment is not considered necessary as there has been no further evidence or information to impact on the equality considerations. The proposed changes to be adapted will apply at all levels in the farming industry. It is however recognized that the proposal will impact on male farmers, more than female farmers, as the agriculture industry is a male dominated business.

7. Financial Implications

7.1 The Rule transfers financial responsibility and associated costs for the collection and disposal of fallen bovines over 48 months of age requiring BSE testing to Industry. In order to help enable farmers adjust to paying the costs the Department will pay effectively half the current commercial price for the collection and disposal of adult fallen bovines, which is £40 per bovine from the 9 November until the end of January 2010.

8. EU Implications

8.1 The Rule amends the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2008 (S.R. 2008 No.508) which enforce Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.

9. Section 24 of the Northern Ireland Act 1998

9.1 The Regulations 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.

10. Contact

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