

EXPLANATORY MEMORANDUM TO

The Zoonoses (Fees) (Amendment) Regulations (Northern Ireland) 2013

S.R. 2013 No. 76

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the above-named Statutory Rule (“the Regulations”) which is laid under the negative resolution process before the Northern Ireland Assembly.
- 1.2. The Department of Agriculture and Rural Development has made the above named Statutory Rule under powers conferred on it by section 2(2) of the European Communities Act 1972 and will come into operation on 1 May 2013.

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. The objective of the NCPs is to improve public health through the detection and control of salmonellas of human health significance in primary production.
- 2.2. 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. Background

- 3.1. Under the 1987 Policy agreement with the Department of Finance and Personnel, DARD is obliged to recover the full costs of services, which includes the full costs of statutory sampling and testing work carried out under the NCPs. The Zoonoses (Fees) (Amendment) Regulations (NI) 2013 allow DARD to recover costs associated with the Control of Salmonella in breeding, layer, broiler and turkey flocks.
- 3.2. The current fees Regulations now need to be amended to enable the Department to revise the current fees for the routine sampling and testing carried out by DARD and the Agri-Food and Biosciences Institute (AFBI) in the breeder, broiler and turkey sectors and amend the current fees for official sampling and optional operator sampling and testing in the layer sector.

4. Consultation

- 4.1. A 12 week public consultation was carried out from 22 October 2012 to 14 January 2013. A total of four responses to the consultation were received and a consultation response document was prepared.

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 Regulations have been assessed. A screening exercise was carried out on the proposed legislation. The outcome was that an Equality Impact Assessment was not considered necessary and the Department considers that the Regulations will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment was carried out and published as part of the 12 week public consultation.
- 6.2. The fees apply equally across the poultry industry, which includes small businesses, and do not introduce any new procedures or regulatory requirements with which the relevant businesses are not already complying. Fees will continue to be levied through the existing mechanisms.
- 6.3. The Department is content that the legislation meets commitments to Better Regulations.

7. Financial Implications

- 7.1. The amending legislation will enable the Department to revise the fees charged for the routine official sampling and testing regime, in order to comply with government policy of full cost recovery.
- 7.2. The Department of Finance and Personnel has considered and agreed the fees uplift.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Regulations deal with charges for animal disease control 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.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. In Britain, Defra intend to update their fees during the financial year 2013/14. They are proposing to move from flat rate charging to sector specific charges to remove the element of cross-subsidy and ensure charges are more fairly distributed. Defra are currently examining the responses to a consultation on this and are undertaking impact assessments.

10.2. The Department of Agriculture Food and Marine (DAFM) in the Republic of Ireland have official controls in place but they do not recover the associated costs from industry.

11. Additional Information

11.1. Not applicable.

12. Contact

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