

Explanatory Memorandum to The Bluetongue (Wales) (Compensation) Order 2007

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales.

(i) Description

This Order will allow compensation to be paid to farmers for animals slaughtered under section 32 of the Animal Health Act 1981 that are affected with or suspected of being affected with or exposed to the bluetongue virus.

Matters of special interest to the Subordinate Legislation Committee

This Order provides for farmers to be compensated for the culling of animals that are affected with or suspected of being affected with or exposed to the bluetongue virus. As this will ensure that Welsh farmers are not disadvantaged, it is necessary for the Instrument to breach the 21 day rule. The Presiding Officer has been notified of the breach by letter.

(ii) Legislative Background

The Bluetongue (Wales) Order 2003 ,SI 2003/326(W.47),as amended by the Bluetongue (Wales)(Amendment) Order 2007, SI 2007/3002 transposes Council Directive 200/75/EC on the control of bluetongue('the Directive').The Directive requires all Member States to take official action on suspicion of disease and implement control measures on confirmation of disease. These control measures include the slaughter of animals where considered necessary to control disease. Under the Animal Health Act 1981 an Order is needed to provide for the payment of compensation in relation to this slaughter. The power to make this Order is conferred on Welsh Ministers under the Animal Health Act 1981 and with the approval of the Treasury which has been given .

The powers enabling this Instrument to be made are contained in section 32(3) of the Animal Health Act 1981 which requires the use of negative procedure. Section 32 of the Animal Health Act 1981 provides for the slaughter of animals and is applied to bluetongue by virtue of article 13 of the Bluetongue (Wales) Order 2003.

(iii) Purpose and intended effect of the legislation

This Order provides for compensation to be paid to farmers in Wales for animals slaughtered for disease control purposes that are affected by or suspected of being affected by or exposed to the bluetongue virus.

Implementation

This Order was made and came into force on 22 October 2007 and would have lead to inconsistency with England in the payment of compensation to farmers if it had not been made. Parallel legislation has been produced in England and came into force on 20 October 2007. Northern Ireland is considering making similar legislation but Scotland has no immediate plans to bring in such legislation.

(iv) **Consultation**

Given the urgency with which this new Order has had to be made, there has been insufficient time for any public consultation.

(v) **Regulatory Impact Assessment**

The Welsh Assembly Government does not consider the SI will need a Regulatory Impact Assessment where the legislation needs to be put in place quickly to deal with a public health or other emergency.