

## **Explanatory Memorandum to the Bluetongue (Wales) Regulations 2008**

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

In this memorandum, the following abbreviations are used:

- 'The Regulations' is used to refer to the Bluetongue (Wales) Regulations 2008;
- 'The Directive' is used to refer to Council Directive 2000/75/EC laying down specific provisions for the control and eradication of bluetongue;
- 'The Commission Regulation' is used to refer to Commission Regulation EC No. 1266/2007 laying down detailed rules in relation to the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to Bluetongue.

### **(i) Description**

The Regulations enable the Welsh Assembly Government to implement in Wales suitably controlled Bluetongue vaccination programmes, so that the farming industry can protect against the disease through vaccination. The Regulations will allow for the control, distribution and use of the currently limited supply of vaccine that has been ordered by the Government on behalf of the industry.

This legislation is concerned with reducing the risks of animal disease and does not impact on human health.

### **(ii) Matters of special interest to the Subordinate Legislation Committee**

Because of the animal health issues involved it is considered appropriate that these regulations should come into force as early as possible. The Presiding Officer has been informed by letter.

### **(iii) Legislative Background**

This legislation is made to comply with the Welsh Assembly Government's obligations under the Directive insofar as it lays down specific provisions for the control and eradication of Bluetongue.

The Bluetongue (Wales) Regulations 2008 continue to implement Council Directive 2000/75/EC, they also implement Commission Regulation (EC) No. 1266/2007 (on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain species of susceptible animals in relation to Bluetongue. They revoke and remake with changes the Bluetongue (No.2) (Wales) Order 2007.

The powers enabling this Instrument to be made are conferred on Welsh Ministers by section 2(2) of the European Communities Act 1972 and the Government of Wales Act 2006. This SI is to be made through the use of the negative procedure.

(iv) **Purpose and intended effect of the legislation**

The Regulations provide the necessary powers to enable the implementation of suitably controlled vaccination programmes, so that the farming industry can better protect against the disease through vaccination. Under the current powers, it is not possible to control the distribution of vaccine or, if necessary, require compulsory vaccination without considerable disproportionate costs.

These Regulations clarify that the use of Bluetongue vaccine will only be allowed under licence (enabling controls on the use of vaccine geographically); introduce controls on obtaining vaccine (to target the distribution of vaccine to areas which are at greatest risk from the disease); and enable compulsory vaccination, either on an individual premises or in a zone.

**Implementation**

This Instrument applies to Wales.

Separate and similar Regulations are being prepared in England to come into force on 26 April 2008 and are being considered in Scotland and Northern Ireland.

(v) **Consultation**

We have engaged in continual consultation with Defra and a Core Group of representative industry stakeholders with whom we have developed a consistent vaccination and disease control strategy. We have consulted our Core Group and our wider stakeholder group on the proposed changes and they support the proposals fully.