

Explanatory Memorandum to The Poultry Compartments (Fees) (Wales) Order 2010

This Explanatory Memorandum has been prepared by the Department for Rural Affairs and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Poultry Compartment (Fees)(Wales) Order 2010.

ELIN JONES AM

Minister for Rural Affairs

8 July 2010

DATE

1. Description

The Poultry Compartments (Wales) Order 2010 gives effect to Commission Regulation 616/2009 concerning the approval of poultry 'compartments' and other 'captive bird compartments' with respect to avian influenza which includes additional preventive biosecurity measures. This Order, the Poultry Compartments (Fees)(Wales) Order 2010, will come into force simultaneously and provides for the payment of fees attributable to acceptance into the compartments scheme.

2. Matters of special interest to the Constitutional Affairs Committee

The Poultry Compartments (Wales) Order 2010 is not subject to any Assembly procedure and therefore it has not been laid before the Assembly. A copy of that Order has been supplied to the Committee via the legal advisors to the Committee.

3. Legislative Background

The Poultry Compartments (Fees) (Wales) Order 2010 is made in exercise of powers conferred by section 84 of the Animal Health Act 1981. Those powers were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions Order) 1999 (SI

1999/672) and further transferred to the Welsh Ministers by section 162 of and paragraph 30 of and Schedule 11 to the Government of Wales Act 2006

The Order is subject to the negative resolution procedure.

4. Purpose and intended effect of the legislation

British breeding poultry companies have been severely affected by three outbreaks of Avian Influenza (AI) since February 2007. The UK became officially free of AI on 20 November 2008, following the June 2008 outbreak, but trade continues to be disrupted. The sector wants to minimise the impact of future disease outbreaks. This Order, together with The Poultry Compartments (Wales) Order 2010, gives effect to Commission Regulation 616/2009. This Regulation came into force on 1 October 2009 and affords poultry companies the opportunity to join an EU based scheme which aims to facilitate trade between the poultry industry and 'signed up' third countries in the event of an outbreak of avian disease. Applicants will also have the choice to apply to the GB enhanced scheme if they wish.

5. Implementation

The Welsh Assembly Government is obliged to implement European Regulations under its community law obligations and pursuant to section 80 (8) of the Government of Wales Act 2006 which prevents the Welsh Ministers from carrying out any act incompatible with community law.

6. Consultation

Consultation has taken place between the Welsh Assembly Government, DEFRA and other devolved administrations. The British Poultry Council has also consulted with its members. It is up to the administration headquarters of Poultry organisations to apply for this scheme if they are interested and therefore officials intend to write out to poultry organisations in Wales to make them aware of this voluntary scheme.

7. Regulatory Impact Assessment

This is a voluntary scheme and costs are provided for initial inspections in this Statutory Instrument. Costs are dependent upon how many premises require approval for the scheme and where they are based.

8. Post implementation review

Monitoring of the effects of this SI is dependent upon how many premises apply for the scheme and where they are based. The true impact of joining the scheme may not be realised unless there is an outbreak of avian disease affecting the area in which the applicant premises is located. Depending on acceptance of compartments by importing countries, compartment status may place a company in a stronger position with regard to resumption of exports following an outbreak of Avian Influenza in GB. There can be no guarantee though that this will happen.

9. Summary

The applicant from the poultry breeding industry will bear the costs of joining this scheme. The Veterinary Laboratory Agency will carry out inspections and invoice companies direct. DEFRA will bear the administrative costs as managers of the scheme. Welsh Assembly Government officials will only become involved should a poultry establishment in Wales be included in the scheme.