EXPLANATORY MEMORANDUM TO

THE ANIMAL HEALTH (DIVISIONAL VETERINARY MANAGERS) ORDER 2009

2009 No. 2713

1. This Explanatory Memorandum has been prepared by The Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 The Order amends references to Divisional Veterinary Manager (DVM) in seventeen animal health related Orders made under the Animal Health Act 1981.

2.2 These amendments only apply in England

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 There are none.

4. Legislative Context

4.1 The Order is required because the post of DVM no longer exists within the executive agency of the Department, known as 'Animal Health'. These references to the DVM have been replaced by references to the Secretary of State.

4.2 There is a related instrument made under the European Communities Act 1972 that amends references to other animal health related secondary legislation: The Animals (Divisional Veterinary Managers) Regulations 2009.

5. Territorial Extent and Application

5.1 This instrument applies to England only.

6. European Convention on Human Rights

The Department for Environment, Food and Rural Affairs has made the following statement regarding Human Rights:

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 On 1st April 2009 the structure of Animal Health (an executive agency of Defra) within England was changed to be aligned with the Regional Structure of the Government Offices of the Regions. To strengthen the veterinary and managerial capability of the Agency, the post of

Divisional Veterinary Manager was replaced with a Regional Operations Director and a Regional Veterinary Lead.

7.2 There are statutory requirements in eighteen pieces of legislation for either the DVM to take action or for notifications to be made to the DVM.

7.3 The amending Order is to ensure those statutory functions have been passed to alternative representatives of the Secretary of State who can ensure the statutory functions and requirements can be met.

8. Consultation outcome

8.1 No consultation exercise was undertaken as the amendments are purely technical to allow the statutory functions and requirements related to the post of DVM to be met following restructuring of Animal Health in England.

9. Guidance

9.1 Guidance on the reporting of suspicion of notifiable disease is being updated and made available on the Defra website.

9.2 The instructions and guidance for veterinary surgeons employed by Animal Health acting on behalf of the Secretary of State are being reviewed and will be issued to staff within Animal Health

10. Impact

No Impact Assessment was undertaken as the impact on farming businesses, business, charities, voluntary bodies or public sector is negligible.

11. Regulating small business

11.1 There are no exemptions for small business as disease control measures must apply to all susceptible animals whatever the size of the farming enterprise.

12. Monitoring & review

12.1 For those statutory functions requiring the report of suspicion of exotic notifiable disease to veterinary surgeons employed by the executive agency, feedback will indicate if there is any lack of awareness or confusion over such reporting requirements.

13. Contact

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