EXPLANATORY MEMORANDUM TO

THE ANIMALS, WATER AND SEA FISHERIES (MISCELLANEOUS REVOCATIONS) ORDER 2015

2015 No. 751

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.

2. Purpose of the instrument

2.1 The purpose of this instrument is to revoke 13 instruments related to animals, water and sea fisheries which are spent or otherwise superseded.

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

3.1 None.

4. Legislative Context

4.1 This instrument will revoke 13 regulations relating to water, animals and sea fisheries.

4.2 The Hares (Control of Importation) Order 1965 has been overtaken by EU legislation, Council Directive 92/65/EEC which lays down controls on EU trade and imports of lagomorphs, including hares

4.3 The Diseases of Animals (Local Authorities) (Miscellaneous Provisions) Order 1976 makes four amendments to old legislation that has either been revoked in the case of the Control of Dogs Order 1930, the Swine Fever Order 1963 and the Markets (Protection of Animals) (Amendment) Order 1965, or no longer of practical use, in the case of amendments to article 8 of the Animals (Miscellaneous Provisions) Order 1925 (which relates to regulations of local authority).

4.4 The Importation of Processed Animal Protein Order 1981 and the amendment Order were introduced to protect animal health by requiring all processed animal protein to be licensed prior to import into Great Britain (GB) thus allowing the Secretary of State to put in place necessary conditions to protect animal health in the GB. The provisions of the Order and the amendment Order have been superseded by Commission Regulations (EU) No 1069/2009 and (EC) No 142/2011 which are implemented via the Trade In Animals and Related Products Regulations 2011.

4.5 The Foot-and-Mouth (Ascertainment of Value) (No. 5) Order 2001 was introduced during the Food and Mouth Disease (FMD) outbreak of 2001 to address valuation difficulties that arose in the particular circumstances of that outbreak. After

revocation, compensation for an affected animal will still be paid based upon its value as though it was not affected with the disease.

4.6 The regulations relating to Molluscan Shellfish have not been used for several years and the relevant licenses were revoked when the aquatic animal health directive (91/67/EEC) was implemented in 1992.

4.7 The Water Act 1983 (Dissolution of Water Space Amenity Commission) Order 1983 (SI 1983/1720) appoints 1st December 1983 as the day on which the Water Space Amenity Commission ceased to exist. As a dissolution order that has been enacted, the Water Act 1983 (Dissolution of Water Space Amenity Commission) Order 1983 (SI 1983/1720) is now obsolete.

4.8 The Water Act 1983 (Dissolution of the National Water Council) Order 1983 (SI 1983/1927) appoints 1st January 1984 as the day on which the National Water Council will cease to exist. As a dissolution order that has been enacted, the Water Act 1983 (Dissolution of the National Water Council) Order 1983 (SI 1983/1927) is now obsolete.

4.9 The Water Authorities (Transfer of Functions) (Appointed Day) Order 1989 (SI 1989/1530) appoints 1st September 1989 as the transfer date for purposes of section 4 of the Water Act 1989 for the transfer of functions from the water authorities to either the National Rivers Authority or the water or sewerage undertakers. As the water authorities and National Rivers Authority are defunct and the successor water companies have been legally in existence for over 25 years, the Water Authorities (Transfer of Functions) (Appointed Day) Order 1989 (SI 1989/1530) is now obsolete.

4.10 The Water Reorganisation (Capital Allowances) Order 1989 (SI 1989/2017) provides calculations for capital allowances on holdings (buildings, plant, machinery, vehicles, etc.) for the water companies. As the period has expired for "a writing-down allowance" for the capital holdings concerned in this order, the Water Reorganisation (Capital Allowances) Order 1989 (SI 1989/2017) is now obsolete.

4.11 The Water Reorganisation (Holding Companies of Successor Companies) Order 1989 (SI 1989/1531) nominates those companies taking over the functions of the previous water authorities. As the water authorities are defunct and the successor water companies have been legally in existence for over 25 years, the Water Reorganisation (Holding Companies of Successor Companies) Order 1989 (SI 1989/1531) is now obsolete.

4.12 The Water Reorganisation (Nominated Holding Companies) (Extinguishment of Loans) Order 1989 (SI 1989/2018) entered into force on 15th November 1989 and revoked the Water Reorganisation (Successor Companies) (Transfer of Loans) Order 1989 (S.I. 1989/1532) and cancelled the liabilities transferred to the successor water companies. As a revoking and cancelling order that has been enacted, the Water Reorganisation (Nominated Holding Companies) (Extinguishment of Loans) Order 1989 (SI 1989/2018) is now obsolete.

5. Territorial Extent and Application

5.1 This Order extends to England and Wales

6. European Convention on Human Rights

6.1 The Parliamentary Under Secretary of State for natural environment and science has made the following statement regarding Human Rights:

In my view the provisions of the Animals, Water and Sea Fisheries (Miscellaneous Revocations) Order 2015 are compatible with the Convention rights.

7. Policy background

7.1 As part of Defra's commitment to the Red Tape Challenge initiative a number of regulations were identified as redundant and suitable for revoking. This instrument is being made to revoke 13 of these relating to water, animals and sea fisheries.

8. Consultation outcome

8.1 These are legislative functions which require no outside consultation.

9. Guidance

9.1 No guidance or any other form of publicity is required as this instrument simply revokes redundant legislation.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 There is no impact on small businesses as this instrument revokes redundant legislation.

12. Monitoring & review

12.1 No monitoring will be conducted.

13. Contact

Miles Kane-Smith, at the Department for Environment Food and Rural Affairs Tel: 020 7238 5663 or email: miles.kane-smith@defra.gsi.gov.uk can answer any queries regarding the Order.