EXPLANATORY MEMORANDUM
TO
The Bluetongue (Amendment) Regulations (Northern Ireland) 2012

S.R. 2012 No. 383

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development and is laid before The Northern Ireland Assembly.

1.2 The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

1.3 The Rule complies with the customary 21 day rule and will come into operation on 19th November 2012.

2. Purpose

2.1 The Bluetongue Regulations (Northern Ireland) 2008 currently prohibit the vaccination of animals within Northern Ireland during an outbreak except in a control, temporary control, restricted or vaccination zone and unless authorised by the Department.

2.2 The European Directive 2000/75/EC that covered the official controls relating to the detection and control of Bluetongue virus (BTV) was changed in March 2012 (EU2012/5) to allow the use of inactivated vaccines outside a BTV restricted area as long as the competent authority has carried out a risk assessment which recommends vaccination and approved the use of vaccine. This means that areas that are now free of disease can allow vaccination, if they consider there is a risk, without imposing restriction zones.

2.3 The proposed legislation will implement EU Directive 2012/5 and allow vaccination outside of a restricted area subject to a veterinary risk assessment which recommends use of vaccine.

3. Background

3.1 These Regulations amend the Bluetongue Regulations 2008 (S.R. 2008 No.275) ("the 2008 Regulations") by transposing Directive 2012/5/EU of 14 March 2012 amending Council Directive 2000/75/EC as regards vaccination against bluetongue (O.J. No L 81, 21.3.2012, p1). The main purpose of Directive 2012/5/EU, as transposed by these amendment Regulations, is to provide a mechanism for inactivated vaccine to be allowed to be used in areas no longer subject to bluetongue restrictions.

4. Consultation

4.1 No formal consultation has been carried out. The statutory rule makes only minor amendments to existing legislation and is required by EU Directive 2012/5.

5. Parity or Replicatory Measure

5.1 England, Scotland and Wales have introduced similar legislation.

5.2 ROI has brought in similar legislation, the European Communities (Bluetongue) (Amendment) Regulations 2012, which came into force on 21 June 2012.

6. Equality Impact

6.1 In accordance with DARD's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed. The Department considers that the regulations will not result in any equality differentials amongst Section 75 groups.

7. Regulatory Impact and Financial Implications

7.1 A Regulatory Impact Assessment is not required as this is an amendment to the existing Regulations.

8. Section 24 of the Northern Ireland Act 1998

8.1 These Regulations deal with animal disease control and do not have any human rights implications, nor is it incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. Contact

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