EXPLANATORY MEMORANDUM TO

The Bovine Viral Diarrhoea Eradication Scheme (Amendment) Order (Northern Ireland) 2024

SR 2024 No. 225

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (DAERA) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Article 8(1) of The Diseases of Animals (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.

2. Purpose

2.1. This Statutory Rule amends the Bovine Viral Diarrhoea Eradication Scheme Order (Northern Ireland) 2016 (the 2016 Order), which was introduced to reduce the incidence of Bovine Viral Diarrhoea (BVD) and help facilitate the ultimate eradication of the disease in bovines in Northern Ireland.

2.2. The Statutory Rule amends the testing requirements within the 2016 Order to also require that all bovine animals born before 1 March 2016 without a BVD status should be tested for BVD.

2.3. The Statutory Rule also revokes a provision in the Schedule to the 2016 Order which currently governs restrictions on movement of bovines infected or potentially infected with this disease. This provision is addressed separately in The Bovine Viral Diarrhoea Control Order (Northern Ireland) 2024

3. Background

3.1. BVD is a highly contagious viral disease of cattle which affects their productivity and compromises their welfare. It is endemic in Northern Ireland (NI) and is estimated to have a cost to industry of up to £25 to £30 million a year.

3.2. Bovines infected with the disease during their lifetime suffer a myriad of symptoms for a transient period, although they can be more prone to future infections. Calves that become infected with the virus at a certain point in gestation, however, do not, unlike adult bovines, develop immunity to the disease and remain persistently infected (PI) with the virus throughout their lives. PI animals typically fail to thrive and most die before the age of two. PI animals shed the virus at high levels for life and, as such, are the most significant source of infection within a herd.

3.3. The NI compulsory BVD eradication programme is industry led. It is administered by Animal Health and Welfare NI (AHWNI) and the BVD

Implementation Group, a cross-industry body, provides direction with regard to planning and implementation of the programme.

3.4. The prevalence of BVD in NI has reduced significantly over recent years following the introduction of measures contained in the 2016 Order, which encourages the prompt identification and isolation of positive animals and restricts the individual movement of infectious or potentially infectious animals.

3.5. The 2016 Order required keepers to test all calves born, or brought into a herd, since 1 March 2016. When a calf is tested with a negative result, the dam will also be considered negative and therefore will be allocated an 'indirect negative' status on DAERA's computer database (NIFAIS). However there remains a relatively small pool of animals born before March 2016 which have no BVD status. The Statutory Rule therefore makes some minor changes to the 2016 Order to require the testing of all animals irrespective of age, that do not have a BVD status. It is considered essential that, at this stage of the eradication scheme, that a definite BVD status for all animals in the national herd is established in order to progress eradicationthese animals.

3.6. The Statutory Rule also removes a provision within the 2016 Order that provides for individual restrictions on the movement of bovines infected or potentially infected with BVD. This provision will be addressed in a separate Statutory Rule, which is introducing provision for herd restrictions and will ensure that all measures in relation to restricting animals or herds for BVD control purposes, are contained in the one Statutory Rule.

3.7. Finally, the Statutory Rule includes a transition and savings provision to ensure that any restrictions currently in place can continue when these technical changes are made.

4. Consultation

4.1. DAERA issued a consulation on the proposed introduction of BVD herd restrictions on 25 October 2022, which ran for eight weeks and closed on 20 December 2022. As part of this consultation, views were also sought on the proposal to require the testing of bovine animals born before March 2016 for BVD.

4.2. Twenty two substantive responses were received from stakeholders, which included veterinary associations, farming and industry representative organisations, as well as from private individuals. Respondents were resoundingly in favour of the measures proposed to contribute to the eradication of BVD including the proposal to require the testing of pre-2016 animals.

5. Equality Impact

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, and the DAERA Equality Scheme, the equality implications of the Statutory Rule have been assessed. It is the Department's assessment that there are no equality, human rights nor good relations issues associated with the Statutory Rule, including among Section 75 groups.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was carried out and the Department is satisfied that the costs associated with the implementation of this Statutory Rule, and the costs to herd keepers in meeting the testing requirements, will be greatly outweighed by the monetary and non-monetary benefits derived from reducing disease levels by introducing these measures.

7. Financial Implications

7.1. The Statutory Rule is not expected to have any significant financial implications. There will be a small cost to industry to test animals that previously didn't require testing. However, the small number of animals concerned is considered to be spread across a large number of herds, with most herds having none or only a very small number of older animals. Therefore, the additional cost to any individual herd keeper would be minimal.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department is satisfied that the Statutory Rule complies with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. This Statutory Rule implements a national measure, which is considered consistent with EU law.

10. Parity or Replicatory Measure

10.1. The Statutory Rule is not necessary for parity elsewhere. Separate BVD eradication programmes are being progressed in other parts of the UK.

11. Additional Information

11.1. Not applicable.